

THE AIRLINE PASSENGER EXPERIENCE: WHAT IT IS AND WHAT IT CAN BE

(116-56)

HEARING
BEFORE THE
SUBCOMMITTEE ON
AVIATION
OF THE
COMMITTEE ON
TRANSPORTATION AND
INFRASTRUCTURE
HOUSE OF REPRESENTATIVES
ONE HUNDRED SIXTEENTH CONGRESS
SECOND SESSION

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FEBRUARY 27, 2020

SUMMARY OF SUBJECT MATTER

TO: Members, Subcommittee on Aviation
FROM: Staff, Subcommittee on Aviation
RE: Subcommittee hearing on “The Airline Passenger Experience: What It Is and What It Can Be”

PURPOSE

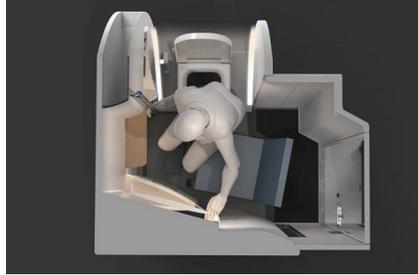
The Subcommittee on Aviation will meet on Tuesday, March 3, 2020, at 10:00 a.m. in 2167 Rayburn House Office Building to hold a hearing titled, “The Airline Passenger Experience: What It Is and What It Can Be.” The hearing will examine the U.S. airline passenger experience today, how airlines are working to improve the air travel experience, and opportunities to invest in technologies or innovations that could enhance the air travel experience. The Subcommittee will hear testimony from the Government Accountability Office (GAO); Consumer Reports; Paralyzed Veterans of America; Airline Passenger Experience Association (APEX); and Spirit Airlines.

BACKGROUND

I. OPPORTUNITIES FOR INNOVATION

A decade of sustained profitability provides U.S. carriers an opportunity to invest in the passenger experience and implement innovative technologies and features. For example, to address the challenges faced by passengers with reduced mobility, discussed in section V, *infra*, companies have developed “the world’s first expanding aircraft lavatory” for single-aisle aircraft to accommodate passengers with reduced mobility.¹

¹Stephanie Taylor, *New Aircraft Lavatory Concept Is Accessible to Passengers in Wheelchairs*, APEX (Feb. 12, 2020), <https://apex.aero/2020/02/12/access-aircraft-lavatory-design>.



Other companies have developed glass touch-controlled reading lights.²



While these innovative technologies have not yet been adopted by airlines, they are examples of the types of innovations—along with temperature-controlled seats³ and seats that collect data on parameters such as cushion pressure and passenger movement to help inform future seat designs⁴—available to airlines that could improve passengers' in-flight experience.

II. AVIATION REGULATION

While the Federal Aviation Administration (FAA) provides air traffic control and regulates aviation safety in the United States,⁵ the U.S. Department of Transportation (DOT) conducts limited economic regulation of the airline industry by monitoring compliance with and investigating violations of its aviation economic, consumer protection, and civil rights requirements.⁶ Much of the DOT's economic regulation of the industry is remnants of the former Civil Aeronautics Board's regulatory authority, which included the complete regulation of airline rates, routes, and services.⁷ Congress mostly ended this economic regulation of air carriers with the enactment of the Airline Deregulation Act of 1978 (Pub. L. 95–504).

In the realm of consumer protection and civil rights, the DOT has broad authority to investigate and prohibit “an unfair or deceptive practice or unfair method of competition” among air carriers and ticket agents.⁸ In addition to monitoring industry compliance with DOT requirements, the DOT receives and reviews consumer complaints filed with the Department.⁹ If the DOT reviews and investigates a complaint and finds that an air carrier or ticket agent has violated a DOT regulation or order, or otherwise engaged in an unfair or deceptive practice, the DOT will take appro-

²Stephanie Taylor, *Schott Reveals Touch-Controlled Reading Light*, APEX (Feb. 19, 2020), <https://apex.aero/2020/02/19/schott-jade-reading-light-priestmangoode>.

³Marisa Garcia, *Lantal Delivers Temperature-Control System for Aircraft Seats*, APEX (Feb. 5, 2020), <https://apex.aero/2020/02/05/lantal-temperature-controlled-seats>.

⁴Katie Sehl, *Sitting on Air: Lantal's Pneumatic Comfort System*, APEX (May 16, 2016), <https://apex.aero/2016/05/16/sitting-air-lantal-pneumatic-comfort-system>.

⁵See 49 U.S.C. §§ 44701, *et seq.*

⁶See DOT, *Aviation Consumer Protection*, <https://www.transportation.gov/airconsumer>. The DOT prohibits, for example, unfair or deceptive practices, such as excessive tarmac delays and misleading advertisements. See 49 U.S.C. §§ 41101–02 (economic fitness certification), § 41712 (prohibition on unfair and deceptive trade practices).

⁷See Federal Aviation Act of 1958, Pub. L. 85–726.

⁸49 U.S.C. § 41712.

⁹DOT, *Aviation Enforcement and Proceedings*, <https://www.transportation.gov/airconsumer/about-us>.

appropriate enforcement action, including issuing warning letters or consent orders, seeking injunctive relief, or imposing civil penalties.¹⁰

On February 20, 2020, the DOT issued a notice of proposed rulemaking (NPRM) intended to clarify the meaning of “unfair” or “deceptive” practices in air travel to align DOT definitions with Federal Trade Commission principles, according to the Secretary of Transportation.¹¹ Among other things, the proposed rulemaking would:

- Codify the DOT’s longstanding interpretation of the terms “unfair” and “deceptive”;¹²
- Require the DOT “to articulate in future enforcement orders [against airlines or ticket agents] the basis for concluding that a practice is unfair or deceptive where no existing [DOT] regulation governs the practice in question”;¹³ and
- Require the DOT “to state the basis for its conclusion that a practice is unfair or deceptive when it issues discretionary aviation consumer protection regulations.”¹⁴

While Airlines for America—the trade association representing U.S. carriers—applauded the proposed rule, stating it would “provide greater transparency for both the U.S. airline industry and the flying public,” a National Consumers League executive argued the rule will set “all kinds of new bars that [the DOT] would have to get over in order to conduct any enforcement actions.”¹⁵ The NPRM will be available for public review and comment for 60 days.¹⁶

III. AIRLINE CONSUMER COMPLAINTS

As noted above, the DOT is responsible for monitoring compliance with and investigating violations of aviation civil rights and consumer protection requirements. In 2019, the DOT received a total of 15,332 consumer complaints—9,547 against U.S. airlines; 5,147 against foreign airlines; and the remainder against travel agents, tour operators, and others.¹⁷ Of those complaints, approximately:

- 31 percent related to cancellations, delays, or misconnections;
- 17 percent related to baggage;
- 12 percent related to reservations, ticketing, or boarding;
- 11 percent related to customer service;
- 6 percent related to disability; and
- the remainder related to fares, refunds, oversales, advertising, discrimination, and loss, injury, or death of animals.¹⁸

In 2019, 10 U.S. air carriers reported receiving 2,966,496 mishandled baggage reports from passengers¹⁹ and reported denying boarding to, or bumping, more than 20,000 passengers holding confirmed reservations involuntarily, although the latter number is inflated from prior years due to the worldwide grounding of the Boeing 737 MAX aircraft.²⁰ Reporting U.S. air carriers informed the DOT they collectively mishandled 10,548 wheelchairs and scooters in 2019—for a monthly average of 879 mishandled mobility aids.²¹

¹⁰ 49 U.S.C. § 46301. See generally the DOT’s message to major air carriers (Sept. 25, 2001), available at https://www.transportation.gov/sites/dot.dev/files/docs/20010925_0.pdf.

¹¹ POLITICO Pro Transp., *DOT to Propose New Rule on ‘Deceptive’ Practices by Airlines, Ticket Agents* (Feb. 20, 2020).

¹² DOT NPRM, *Defining Unfair or Deceptive Practices*, DOT–OST–2019–0182 at 1 (Feb. 20, 2020).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Sam Mintz, *Morning Transportation*, POLITICO (Feb. 21, 2020).

¹⁶ DOT NPRM, *supra* note 12 at 2.

¹⁷ DOT Office of Aviation Enforcement and Proceedings, *Air Travel Consumer Report (ATCR)* (Feb. 2020) 60–64, <https://www.transportation.gov/sites/dot.dev/files/2020-02/February%202020%20ATCR.pdf>.

¹⁸ *Id.* at 60.

¹⁹ *Id.* at 36.

²⁰ This figure represents 0.24 involuntary denied boardings per 10,000 passengers. *Id.* at 46. “On March 13, 2019, the Federal Aviation Administration ordered the immediate grounding of Boeing 737 MAX aircraft operated by U.S. airlines or in U.S. territory based on data arising out of the relevant accident investigations. American Airlines and Southwest Airlines separately informed the Department that the grounding of the 737 MAX aircraft has negatively impacted their involuntary denied boarding statistics immediately following the grounding.” *Id.*

²¹ Pub. L. 115–254, § 441 (requiring airline compliance with the DOT’s 2016 final rule requiring reporting of mishandled baggage and wheelchairs in aircraft cargo compartments). See *ATCR* (Feb. 2020), *supra* note 17 at 41. The figure for mishandled wheelchairs and scooters represents 1.54 percent of the 685,792 aids enplaned in 2019. *Id.*

IV. U.S. AIRLINES' PERFORMANCE AND CUSTOMER SERVICE

According to most recent Federal data, approximately 888.6 million passengers boarded U.S. airlines in 2018—an increase of more than 25 percent in passenger levels since the 2008–09 economic crises.²² As described in detail below, U.S. airlines have benefited from the annual increases in passenger traffic, surging to record profitability. In fact, since the economic crises, the U.S. airline industry has become the world's most profitable. In 2018, the airlines reported an after-tax net profit of \$11.8 billion and a pre-tax operating profit of \$17.6 billion.²³ As a whole, the U.S. airline industry has been solidly profitable for 10 consecutive years.²⁴

In addition to increased and new ancillary fees contributing to U.S. airlines' recent financial performance, a series of airline mergers over the last decade has reduced the number of large competitors from eight to four, helping keep airfares higher and airline costs lower than they would have been otherwise.²⁵ Still, flying today is lower than the cost of air travel 25 years ago. According to U.S. Bureau of Transportation Statistics (BTS) data, the average domestic airfare, when adjusted for inflation, fell nearly 37 percent from 1993 to 2018, from \$563 to \$345.²⁶ This reduction may be at least partially associated with the competitive effects associated with the entry of low-cost and ultra-low-cost carriers into different aviation markets.²⁷

A. Contracts of Carriage

Most of an air passenger's rights—beyond those mandated by Congress or the DOT—are defined in an airline's contract of carriage—“the legal agreement between an airline and its ticket holders.”²⁸ These contracts contain provisions on everything from how the airline will conduct check-in and ticket refund procedures to its responsibilities to a passenger when a flight is delayed.²⁹ Each airline has its own contract, so provisions differ from carrier to carrier. For domestic travel, an airline may provide its contract terms on or with a ticket at the time of purchase, or elect to “incorporate the terms by reference,” meaning they are contained in a separate document that a passenger can request or that is available on the airline's website.³⁰

But contracts of carriage can be lengthy and complicated. In 2017, the GAO reviewed the contracts of carriage of 11 U.S. airlines.³¹ The GAO found that the approximate average length of the documents was 40 pages.³² Using an automated grade-level readability test, the GAO found these documents “require a reading level of someone with a college graduate degree.”³³

²² U.S. Bureau of Transp. Statistics (BTS), *Passengers, All Carriers—All Airports*, https://www.transtats.bts.gov/Data_Elements.aspx?Data=1.

²³ BTS, *2018 Annual and 4th Quarter U.S. Airline Financial Data* (May 6, 2019), <https://www.bts.gov/newsroom/2018-annual-and-4th-quarter-us-airline-financial-data>.

²⁴ *Id.* 2018 marked the tenth consecutive annual pre-tax operating profit; the sixth consecutive annual after-tax net profit. *Id.* According to Airlines for America calculations, over the course of the last 50 years, even in the best years, the profitability of U.S. airlines has lagged the U.S. corporate average. See AAA, *Presentation: Industry Review and Outlook*, at 6–7, <https://www.airlines.org/dataset/a4a-presentation-industry-review-and-outlook/>. For company-specific margins, please see the Security and Exchange Commission (SEC) filings of each respective company. For the overall U.S. average, please see U.S. Bureau of Economic Analysis, Department of Commerce, NIPA (Table 1.14, lines 1 and 11), available at http://www.bea.gov/iTable/index_nipa.cfm.

²⁵ Delta and Northwest merged in 2008, United and Continental merged in 2010, Southwest and AirTran merged in 2010, and American and US Airways merged in 2013. See GAO, *Airline Competition: The Average Number of Competitors in Markets Serving the Majority of Passengers Has Changed Little in Recent Years, but Stakeholders Voice Concerns About Competition* 1, 6, 13–15, GAO–14–515 (June 2014).

²⁶ BTS, *Average Domestic Airline Itinerary Fares*, <https://www.transtats.bts.gov/AverageFare/>

²⁷ Alexander Bachwich and Michael Wittman, *The Emergence and Effects of the Ultra-Low Cost Carrier (ULCC) Business Model in the U.S. Airline Industry*, 62 *J. of Air Transp. Mgmt.* 155–64 (July 2017).

²⁸ Cong. Res. Service, *Airline Passenger Rights: The Federal Role in Aviation Consumer Protection* 4 (Aug. 17, 2016).

²⁹ See *id.* See also Bill McGee, *Contracts of Carriage: Deciphering Murky Airline Rules*, USA TODAY (July 12, 2017), <https://www.usatoday.com/story/travel/columnist/mcgee/2017/07/12/airline-contract-carriage/469916001/>.

³⁰ DOT, *A Consumer Guide to Air Travel*, <https://www.transportation.gov/airconsumer/fly-rights>.

³¹ GAO, *Information on Airline Fees for Optional Services*, GAO–17–756, 35 (Sept. 2017), available at <https://www.gao.gov/assets/gao-17-756.pdf>.

³² *Id.* at 35.

³³ *Id.*

B. *Unbundling of Fees for Optional Services*

U.S. airlines' assessment of fees for checked baggage and reservation changes alone totaled \$7.6 billion in 2018—\$4.9 billion for checked baggage and \$2.7 billion for reservation changes.³⁴ And some U.S. airlines have recently increased these fees. For example, on February 21, 2020, United Airlines increased its checked baggage fee by \$5, resulting in a passenger's first checked bag costing \$35 and the second bag \$45, unless the passenger pre-pays for the bag before online check-in.³⁵ If past behavior is indicative of what is to come, competitors could follow suit and raise their bag fees as well. For example, when JetBlue Airways increased its bag fees by \$5 in August 2018, United, Delta Air Lines, and American Airlines all raised theirs by \$5 within 30 days.³⁶

Over the past decade, in addition to increasing existing fee amounts (e.g., checked and oversized bags, ticket cancellation), U.S. airlines have introduced a variety of new fees for *optional* services³⁷ that were once included in the total/base cost of a passenger's ticket, such as seat selection and priority boarding.³⁸ Consumer advocates have "raised concerns about the lack of transparency regarding optional service fees and the full price of airline tickets," which affect the ability of consumers to compare the total cost of planned air travel across several airlines before purchase.³⁹

Despite increased and new ancillary fees, passenger travel has continued to grow since 2010.⁴⁰ In its 2017 report, the GAO noted that "unlike the revenues from domestic airfares, revenues from most optional service fees are not subject to the excise tax that helps fund the Airport and Airway Trust Fund, which partially supports the Federal Aviation Administration (FAA) . . ." ⁴¹ For example, the nearly \$5 billion in checked baggage fees in 2018 was not subject to the aviation excise tax like the base cost of the ticket for air travel.⁴² If this ancillary fee were subject to the 7.5 percent excise tax, approximately \$367 million in excise tax revenue would have been deposited into the Trust Fund, the dedicated source of funding that helps finance the FAA's investments in the airport and airway system and FAA operations, including air traffic control services and aviation safety inspections, among other things.⁴³

C. *Fare Classes*

U.S. airlines divide their economy-class inventory into fare classes at different costs.⁴⁴ Beginning in 2015, several U.S. airlines introduced "basic economy" tickets,⁴⁵ which have been called "the cheapest, least flexible, unfriendliest option" available to a consumer due to all of the restrictions entailed.⁴⁶ Passengers purchasing these restricted tickets may be "assigned seats after checking in, meaning that they might not be seated with the rest of their travel group; board the aircraft

³⁴ See BTS, *Baggage Fees by Airline 2018*, <https://www.bts.gov/node/221236> and BTS, *Reservation Cancellation/Change Fees by Airline 2018*, <https://www.bts.gov/node/221251>.

³⁵ Dawn Gilbertson, *United Airlines Raising Checked-Bag Fees, Joining JetBlue*, USA TODAY (Feb. 21, 2020), <https://www.usatoday.com/story/travel/airline-news/2020/02/21/united-airlines-bag-fees-35-first-checked-bag-45-second/4831976002/>.

³⁶ See *id.* See also Dawn Gilbertson, *No Surprise: American Airlines Raises Bag Fees to \$30, Matching Delta and United*, USA TODAY (Sept. 20, 2018), <https://www.usatoday.com/story/travel/flights/todayinthesky/2018/09/20/american-increases-bag-fees-matching-united-delta-jetblue/1189021002/>.

³⁷ GAO-17-756, *supra* note 31 at 10.

³⁸ *Id.* at 1.

³⁹ *Id.* at 1-2.

⁴⁰ *Id.* at 18.

⁴¹ *Id.*

⁴² See *id.* at n. 18 (describing how Department of Treasury regulations specifically exempt baggage fee payments from the 7.5-percent aviation excise tax).

⁴³ See FAA, *Airport & Airway Trust Fund (AATF)*, <https://www.faa.gov/about/budget/aatf/>.

⁴⁴ Hannah Sampson, *Airline Classes Are Complicated. Here's How to Know Which One You Need.*, WASH. POST (Nov. 15, 2019), <https://www.washingtonpost.com/travel/2019/11/15/airline-fares-are-complicated-heres-how-know-which-one-you-need/>.

⁴⁵ GAO-17-756, *supra* note 31 at 13. See Hugo Martin, *Senator Says Basic Economy Seats on Planes Add to Travel Confusion and Airline Profits*, L.A. TIMES (Jan. 27, 2018), <https://www.latimes.com/business/la-fi-travel-briefcase-basic-economy-20180127-story.html>.

⁴⁶ Sampson, *supra* note 44. Others have said, "[T]he growing number of ultra-low-cost carriers along with price conscience travelers searching on comparison websites have forced the major legacy carriers to introduce these bare-bones tickets in order to compete." Peter Thornton, *A New Look at Basic Economy for Domestic and Short-Haul International Travel*, AirfareWatchdog (Dec. 20, 2019), <https://www.airfarewatchdog.com/blog/44259587/a-new-look-at-basic-economy-for-domestic-and-short-haul-international-travel/>. Basic economy tickets are also sold on Canadian and Mexican airlines.

last; cannot upgrade seats or class of service; and cannot change their flights.”⁴⁷ Further, some “basic economy” passengers may be denied access to overhead compartments or limited to a single carry-on bag that fits under the seat.⁴⁸ Some travelers may, however, take advantage of these tickets if they can pack light, bring their own snacks, and travel with few expectations, for example.⁴⁹

But these fares sometimes push passengers to ultimately purchase more expensive tickets that include the flexibility to change flights or roomier seats.⁵⁰ According to one American Airlines executive, “The product is working entirely as we expected and so we’re seeing the buy-up rates that we expected to see and we’re seeing the sell-up amounts that we expected to see So basic economy is really, at this point, working as designed.”⁵¹ United Airlines president Scott Kirby similarly said that segmentation of the economy cabin could add up to \$1 billion in revenue for the carrier within a few years.⁵²

There have been cases when “basic economy” policies have caused confusion at the airport, both for employees who must enforce the policies and for passengers who may have unknowingly or mistakenly purchased such a restricted ticket. For example, in 2017, American Airlines employees erroneously attempted to charge a nursing mother \$150 to check a cooler of frozen breast milk at the gate because she had purchased a “basic economy” ticket, which limited her carry-on baggage allowance.⁵³ The airline clarified that the employees were not acting consistently with the carrier’s policy, which would have permitted the passenger to carry the cooler on board.⁵⁴ The “budget-conscious” passenger felt pressured to leave behind 40 ounces of frozen breast milk at the gate.⁵⁵ There have been other cases of consumers becoming frustrated with these “budget tickets,” and several airlines have responded by ensuring that communications with customers purchasing a “basic economy” ticket are clear as to how the fares work and any associated restrictions.⁵⁶

The detailed segmentation has also prompted difficulty for families traveling together. Parents often do not want to pay extra for assigned seats next to their children. But when asked about this issue, United Airlines president Scott Kirby said, “Look, when you go to a concert, do you think you should pay the same price to sit in the nosebleed seats or to sit up front?”⁵⁷

D. Denied Boarding

For decades, airlines routinely overbooked flights to compensate for an inevitable number of “no-shows” among passengers holding confirmed reservations.⁵⁸ However, non-refundable or non-flexible ticket options and reservation change fees have reduced the number of no-shows, and overbooking practices result in “oversale” situations in which airlines are forced to involuntarily deny boarding to, or “bump,” some passengers.⁵⁹ The need to accommodate airline flight crews or aircraft maintenance issues can also result in denied boardings.⁶⁰ While most denied boardings are voluntary—meaning the passenger voluntarily gives up their seat and accepts the airline’s offer for compensation (e.g., cash or an airline voucher)—others are involuntary.⁶¹

⁴⁷ GAO-17-756, *supra* note 31 at 13.

⁴⁸ *Id.*

⁴⁹ See Thornton, *supra* note 36.

⁵⁰ Martin, *supra* note 45.

⁵¹ *Id.*

⁵² Edward Russell, *United Completes Domestic Basic Economy Roll Out*, FlightGlobal (June 7, 2017), <https://www.flightglobal.com/united-completes-domestic-basic-economy-roll-out/124319.article>.

⁵³ Dawn Gilbertson, *American Airlines Tries to Charge Mom \$150 to Check Frozen Breast Milk*, USA TODAY (Dec. 14, 2017), <https://www.usatoday.com/story/travel/nation-now/2017/12/14/breast-milk-baggage-fee/953074001/>.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ See Cadie Thompson, *United Airlines Unveiled New Budget Tickets—and Some Customers are Furious*, BUS. INSIDER (June 14, 2017), <https://www.businessinsider.com/united-airlines-basic-economy-tickets-frustrating-customers-2017-6> (describing instances of public response to United’s basic economy tickets and several airlines’ efforts to ensure ticket restrictions are made clear to passengers before and after purchase).

⁵⁷ See Brian Sumers, *United Airlines President on Turning Skeptics Into Believers*, Skift (Aug. 27, 2018), https://skift.com/2018/08/27/united-airlines-president-on-turning-skeptics-into-believers/?utm_content=76281326&utm_medium=social&utm_source=twitter.

⁵⁸ Tom Chitty, *Why Do Airlines Overbook Flights*, CNBC (June 21, 2019), <https://www.cnbc.com/2019/06/21/why-do-airlines-overbook-flights-paris-air-show.html>.

⁵⁹ See *id.* See also GAO, *Information on Airlines’ Denied Boarding Practices*, GAO-20-191 (Dec. 2019), <https://www.gao.gov/assets/gao-20-191.pdf>.

⁶⁰ See GAO-20-191 *supra* note 59 at 1.

⁶¹ *Id.*

In these situations, airlines must first solicit passengers to voluntarily give up their seats before denying boarding involuntarily,⁶² and the rules for how an airline will select passengers for bumping if there is an insufficient number of volunteers vary by carrier.⁶³ DOT rules set minimum compensation amounts for passengers who are involuntarily denied boarding; amounts vary based on fare and the amount of time by which the passenger's arrival at their final destination is delayed.⁶⁴

A high-profile incident in 2017 raised public questions about airlines' denied-boarding policies. In order to accommodate off-duty crewmembers traveling on a United Express flight from Chicago to Louisville, United Airlines gate agents attempted to bump a passenger who had already boarded the aircraft.⁶⁵ When the passenger refused to give up his seat, airline staff called police officers from the Chicago Department of Aviation to physically remove the passenger.⁶⁶ As evidenced by several passengers' video recordings, the passenger was bloodied and seriously injured as he was forcefully removed from the aircraft.⁶⁷

In an attempt to prevent such incidents in the future, the FAA Reauthorization Act of 2018 prohibited, with few limitations, an airline from denying boarding to or involuntarily removing a passenger from an aircraft after the passenger has checked in for the flight and had their boarding pass accepted by the gate agent.⁶⁸ The law also directed the GAO to review airline policies and practices related to oversales of flights.⁶⁹ In its review, the GAO found that to reduce the possibility of denied boarding, airlines have "reduced their rate of overbooking or eliminated [overbooking] altogether,"⁷⁰ and now solicit volunteers to give up their seats earlier in the process (e.g., soliciting voluntary passengers before airport arrival), or offer alternative forms of compensation (e.g., gift cards or iPads).⁷¹

E. Widespread Information Technology (IT) Disruptions

A series of high-profile IT system failures resulting in the delay or cancellation of tens of thousands of U.S. flights has affected airlines' overall on-time performance in recent years. In total, the GAO identified 34 IT outages between 2015 and 2017, with 85 percent of those outages resulting in flight delays or cancellations.⁷² For example, in July 2016, more than 2,300 Southwest Airlines flights were canceled, 7,000 more were delayed, and nearly all flights were grounded at the airline's Chicago-Midway hub due to a the failure of a small Cisco router—one of about 2,000—in a Southwest data center.⁷³ Similarly, Delta canceled 2,300 flights over three days in August 2016, after a critical computer system crashed due to a power outage and small fire in a Delta data center.⁷⁴

While airlines' policies may vary in what they will provide their passengers during an IT outage (e.g., food, hotel), according to DOT policy, passengers affected by cancellations or *significant* disruptions are entitled to a refund of any unused portion of their tickets if they so request.⁷⁵ Under DOT policy, an airline's failure to provide such a refund is an unfair and deceptive practice.⁷⁶

V. PASSENGERS WITH DISABILITIES

According to the most recent Census, 57 million Americans (roughly 1 in 5 individuals) have a disability, and more than half of these individuals experience issues

⁶²*Id.* at 6.

⁶³*Id.* at 7. Factors for determining how an airline will select passengers to deny boarding involuntarily include fare types, check-in times, and frequent flyer status. *Id.*

⁶⁴*Id.* at 8.

⁶⁵See Erin McCann, *United's Apologies: A Timeline*, N.Y. TIMES (Apr. 14, 2017), https://www.nytimes.com/2017/04/14/business/united-airlines-passenger-doctor.html?_r=0 and David Koenig, *United CEO Says No One Will Be Fired for Dragging Incident*, AP Online (Apr. 18, 2017), <https://www.nytimes.com/aponline/2017/04/18/business/ap-us-united-passenger-removed.html>.

⁶⁶McCann, *supra* note 65.

⁶⁷*Id.*

⁶⁸Pub. L. 115–254, § 425(b).

⁶⁹*Id.* § 425(f).

⁷⁰GAO–20–191, *supra* note 59 at 15.

⁷¹*Id.* at 16–17.

⁷²GAO, *Information on Airline IT Outages*, GAO–19–514 (June 2019), <https://www.gao.gov/assets/gao-19-514.pdf>.

⁷³Robert Wall, *U.S. Airlines Report Delays Caused by System Fault*, WALL ST. J. (Apr. 1, 2019), <https://www.wsj.com/articles/southwest-airlines-says-systemwide-technology-problem-affecting-flights-11554117011>.

⁷⁴See *id.* See also GAO–19–514, *supra* note 72 at 1.

⁷⁵GAO–19–514, *supra* note 72 at 1, 10.

⁷⁶*Id.* See 49 U.S.C. § 41712 (prohibiting broadly unfair and deceptive practices among air carriers and ticket agents). Airlines or ticket agents that violate that proscription may be required to pay a civil penalty to the DOT.

with physical mobility.⁷⁷ While these Americans may face various hurdles in their daily life, air travel can often present an additional unique set of challenges. For instance, airline passengers with disabilities may encounter inaccessible lavatories on aircraft or incur bodily harm when boarding or deplaning an aircraft, and frequently report lost, damaged, or otherwise mishandled mobility aids, such as wheelchairs and scooters.⁷⁸ In addition, individuals with certain disabilities, such as wheelchair users, require additional assistance or have difficulty performing certain actions at airports, such as handling their baggage, navigating through crowded terminals, and undergoing security screening.⁷⁹ Such challenges can prevent passengers with disabilities from enjoying their air travel experience, and may lead them to seek out alternative means of travel or avoid traveling altogether.⁸⁰

In 1986, Congress passed the *Air Carrier Access Act* (ACAA), landmark legislation specifically focused on preventing discrimination against people with disabilities in air travel.⁸¹ Before the ACAA, people with disabilities often had no way of predicting the extent of a given airline's or flight crew's accommodations.⁸² It was common practice for people with disabilities to routinely be forced to travel with an attendant at their own expense, even if they did not need assistance to fly safely; be required to sit on a blanket for fears that they might soil the passenger seat; or simply be refused service.⁸³ Passage of the ACAA provided people with disabilities improved air travel by setting clear standards regarding aircraft accessibility, seating accommodations, boarding and deplaning assistance, service animals, and screening, among other things.⁸⁴

In 1990, the DOT promulgated rules under the ACAA defining the rights of passengers with disabilities and the obligations of air carriers under this law. Among other things, the ACAA:

- Prohibits air carriers from requiring a person with disability to travel with an attendant;⁸⁵
- Requires widebody (twin-aisle) aircraft to include accessible lavatories;⁸⁶
- Requires aircraft of a certain size to have priority space for wheelchair storage in cabin;⁸⁷
- Requires airline assistance with boarding and deplaning;⁸⁸
- Prohibits airlines from charging passengers with disabilities for providing accommodations;⁸⁹
- Requires airlines to train airline and contractor personnel who assist people with disabilities;⁹⁰ and
- Requires that air carriers designate “complaints resolution officials” to respond to disability-related complaints.⁹¹

VI. EMOTIONAL SUPPORT ANIMALS

Many people with disabilities use a service animal in order to fully participate in everyday life. Under the ACAA, a service animal is defined as any animal that is individually trained or able to provide assistance to a person with a disability; or any animal that assists persons with disabilities by providing emotional support.⁹² By law, airlines must allow individuals with disabilities to travel with service animals, including emotional support animals.⁹³

⁷⁷ GAO, *Passengers with Disabilities: Air Carriers' Disability-Training Programs and the Department of Transportation's Oversight*, GAO-17-541R (May 31, 2017), <https://www.gao.gov/assets/gao-17-541r.pdf>.

⁷⁸ *A Work in Progress: Implementation of the FAA Reauthorization Act of 2018: Before the Subcomm. on Aviation of the House Transportation and Infrastructure Committee*, 115th Cong. 2 (2019) (statement of David Zurfluh, National President, Paralyzed Veterans of America).

⁷⁹ Barbara Twardowski, *Flying Tips for Wheelchair Users, from Wheelchair Users*, N.Y. TIMES (Mar. 8, 2019), <https://www.nytimes.com/2019/03/08/travel/flying-tips-for-wheelchair-users-disabilities.html>.

⁸⁰ See Zurfluh, *supra* note 78, at 2.

⁸¹ Pub. L. No. 99-435.

⁸² *Id.*

⁸³ *Id.*

⁸⁴ See generally Cong. Res. Service, *Overview of the Air Carrier Access Act* (May 19, 2009).

⁸⁵ 14 C.F.R. § 382.29(a).

⁸⁶ 14 C.F.R. § 382.63.

⁸⁷ 14 C.F.R. § 382.121(a).

⁸⁸ 14 C.F.R. § 382.95.

⁸⁹ 14 C.F.R. § 382.31.

⁹⁰ 14 C.F.R. § 382.15.

⁹¹ 14 C.F.R. § 382.151.

⁹² DOT, *Service Animals (Including Emotional Support Animals)* (Mar. 20, 2018), available at <https://www.transportation.gov/individuals/aviation-consumer-protection/service-animals-including-emotional-support-animals>.

⁹³ *Id.*

The ACAA requirement to allow emotional support or “comfort” animals diverges from the requirements of the Americans with Disabilities Act.⁹⁴ This has led to an increasing variety of purported emotional support animals being used in recent years, including pigs, peacocks, miniature horses, snakes, iguanas, and parrots, with air carriers having limited ability to restrict some of these animals.⁹⁵ Airlines and flight attendants have reported numerous instances of purported emotional support animals growling at and biting flight crew or passengers and displaying aggression toward other purported emotional support animals.⁹⁶

The *FAA Reauthorization Act of 2018* directs the DOT to define “service animal” and develop minimum requirement standards for both service and emotional support animals.⁹⁷ In January, the DOT proposed a rule that would, among other things, end the requirement that airlines recognize emotional support animals as service animals and thereby allow airlines to deny their carriage.⁹⁸ The president of the Association of Flight Attendants lauded the proposal and said, “The days of Noah’s Ark in the air are hopefully coming to an end.”⁹⁹

VII. UNLAWFUL DISCRIMINATION

Federal law prohibits discrimination by both U.S. and foreign air carriers against individuals on the basis of race, color, national origin, religion, sex, or ancestry¹⁰⁰ as well as disability.¹⁰¹ As described above, the DOT is responsible for enforcing statutes prohibiting unlawful discrimination by airlines against air travelers, monitors compliance with DOT regulations, and processes and investigates complaints filed with the DOT alleging discrimination.¹⁰²

In January 2020, the DOT found Delta violated Federal anti-discriminatory/bias statutes in two 2016 incidents where the carrier’s flight crews ordered three Muslim passengers off the aircraft.¹⁰³ In the first case, the DOT found that, but for the couple’s “perceived religion,” the carrier “would not have removed or denied them re-boarding.”¹⁰⁴ In the second case, flight crew flagged the behavior of a Muslim passenger, and despite the carrier’s security office reporting the passenger’s record had “no red flags,” the captain requested the passenger be removed after flight attendants expressed that “they remained uncomfortable.”¹⁰⁵ The DOT found that the captain’s removal of the passenger after being cleared by security was discriminatory.¹⁰⁶

Without admitting or denying these violations, the airline consented to the DOT’s issuance of an order to cease and desist from violating applicable anti-discrimination statutes, and the DOT fined the carrier \$50,000, mandated civil rights training for certain employees, and required the carrier to enhance its e-training civil rights program.¹⁰⁷

The *FAA Reauthorization Act of 2018* directed the GAO to examine airlines’ training programs on racial, ethnic, and religious non-discrimination for their employees

⁹⁴ Cong. Res. Service, *The Americans with Disabilities Act and Service Animals* 3 (Oct. 28, 2010).

⁹⁵ *Id.*

⁹⁶ See, e.g., Ted Reed, ‘Emotional Support’ Dog Bites Flight Attendant Who Requires Five Stitches, FORBES (July 23, 2019), <https://www.forbes.com/sites/tedreed/2019/07/23/emotional-support-dog-bites-flight-attendant-who-requires-five-stitches/#10c1284e2286>.

⁹⁷ Pub. L. No. 115–254, § 437.

⁹⁸ DOT, *U.S. Department of Transportation Seeks Comment on Proposed Amendments to Regulation of Service Animals on Flights* (Jan. 22, 2020), <https://www.transportation.gov/briefing-room/us-department-transportation-seeks-comment-proposed-amendments-regulation-service>.

⁹⁹ Ass’n of Flight Attendants, *Flight Attendants Applaud DOT’s Clear Rule on Animals in the Cabin* (Jan. 22, 2020), at https://www.afacwa.org/flight_attendants_applaud_dot_rule_animals_cabin.

¹⁰⁰ 49 U.S.C. § 40127(a). See also 49 U.S.C. §§ 41310(a), 41712, and 41702 (other provisions that the DOT has interpreted as prohibiting discrimination in air travel).

¹⁰¹ See 49 U.S.C. § 41705. See also 14 C.F.R. part 382 (the DOT’s regulation implementing the *Air Carrier Access Act of 1968*). Part 382 includes a series of sections describing air carriers’ requirements, including making airport facilities and aircraft accessible. See, e.g., 14 C.F.R. part 382 subpart E (“Accessibility of Aircraft”), subpart F (“Seating Accommodations”), and subpart G (“Boarding, Deplaning, and Connecting Assistance”).

¹⁰² See DOT, *Passengers’ Right to Fly Free From Discrimination*, <https://www.transportation.gov/sites/dot.gov/files/docs/Passengers%20Right%20to%20Fly%20Free%20from%20Discrimination.pdf>.

¹⁰³ David Koenig, *U.S. Fines Delta \$50,000 for Booting Off 3 Muslim Passengers*, AP News (Jan. 24, 2020), <https://apnews.com/3edb75b25d5863e79a4ea37fd71102b5>.

¹⁰⁴ DOT Consent Order Issued to Delta Air Lines (Order No. 2020–1–9) 2 (Jan. 24, 2020), <https://www.transportation.gov/sites/dot.gov/files/2020-01/delta-air-lines-order-2020-1-9.pdf>.

¹⁰⁵ *Id.* at 3.

¹⁰⁶ *Id.*

¹⁰⁷ *Id.* at 1.

and contractors, including how frequently airlines train new employees and contractors.¹⁰⁸ The GAO found that the six U.S. airlines selected for the audit did indeed provide such training to their newly hired employees, including pilots, flight attendants, and customer service representatives.¹⁰⁹

VIII. AIRCRAFT EVACUATION STANDARDS

The Federal Aviation Regulations require that the design of an airliner, by virtue of the locations and types of emergency exits, must permit all passengers to evacuate the aircraft within 90 seconds with half the exits blocked.¹¹⁰ But recent accidents have raised concerns about whether all passengers can, in fact, evacuate an airliner in 90 seconds, given passengers' propensity to carry on large bags, such as roll-aboard suitcases, and other behavioral shifts over the last decade.

For example, the National Transportation Safety Board (NTSB) concluded that it took *at least* 2 minutes and 21 seconds—51 seconds longer than the FAA assumes—for 161 passengers to evacuate a lightly-loaded American Airlines 767–300ER after an uncontained engine failure and fire during takeoff at Chicago O'Hare in 2016.¹¹¹ The NTSB concluded that “evidence of passengers retrieving carry-on baggage during this and other recent emergency evacuations demonstrates that previous FAA actions to mitigate this potential safety hazard have not been effective.”¹¹² This was not an isolated event.¹¹³ The *FAA Reauthorization Act of 2018* directs the FAA to review the assumptions and methods for certifying transport-category airplane designs' compliance with the FAA's evacuation requirement.¹¹⁴ The FAA convened an aviation rulemaking committee last year to conduct that review; the committee's work continues.¹¹⁵

In addition to passengers' propensity to carry on large bags, reduced spacing between seats to accommodate more passengers per flight may also affect cabin evacuation times. According to aviation consultant Bill McGee, who will be testifying before the Subcommittee, “legroom (as measured in seat pitch) and comfort (as measured in seat width) have both been steadily decreasing since the 1980s.”¹¹⁶ Mr. McGee and others assert that tighter seats—with seat pitch as low as 28 inches and width as low as 16.5 inches in some U.S. airlines' aircraft—may pose health issues for passengers (e.g., blood clotting, deep vein thrombosis), in addition to making emergency egress from a commercial airliner more difficult.¹¹⁷

The *FAA Reauthorization Act of 2018* directs the FAA to “issue regulations that establish minimum dimensions for passenger seats on aircraft operated by air carriers . . . , including minimums for seat pitch, width, and length, and that are necessary for the safety of passengers.”¹¹⁸ From November 2019–January 2020, the FAA conducted testing to evaluate the relationship between seat spacing and evacu-

¹⁰⁸ Pub. L. 115–254, § 407. See GAO, *Information on Selected Airlines' Non-Discrimination Training Programs* 1, GAO–19–654R, <https://www.gao.gov/products/gao-19-654r>.

¹⁰⁹ GAO–19–654R, *supra* note 108 at 3.

¹¹⁰ See 14 C.F.R. §§ 25.803, 25.807; 14 C.F.R. part 25, app'x. J.

¹¹¹ Nat'l Transp. Safety Bd., NTSB/AAR–18/01, *Uncontained Engine Failure and Subsequent Fire, American Airlines Flight 383, Boeing 767–323, N345AN, Chicago, Illinois, October 28, 2016*, at 27 (2018).

¹¹² *Id.* at 66. The Safety Board found that “some passengers evacuated from all three usable exits with carry-on baggage. In one case, a flight attendant tried to take a bag away from a passenger who did not follow the instruction to evacuate without baggage, but the flight attendant realized that the struggle over the bag was prolonging the evacuation and allowed the passenger to take the bag. In another case, a passenger came to the left overwing exit with a bag and evacuated with it despite being instructed to leave the bag behind.” *Id.* at 65.

¹¹³ For example, in-cabin video footage of passengers evacuating Emirates flight 521, a Boeing 777–300 that crash-landed in Dubai in 2016, shows passengers retrieving large carry-on items from overhead bins despite smoke billowing into the cabin from a large fire on the wing that eventually destroyed the aircraft. THE AVIATION HERALD, *Emirates Boeing 777–300 Registration A6–EMW*, <http://avherald.com/h?article=49c12302&opt=0>; YouTube (Aug. 3, 2016), <https://www.youtube.com/watch?v=nUg7zOBB3Ig>.

¹¹⁴ Pub. L. 115–254, § 337.

¹¹⁵ FAA, *Emergency Evacuation Standards ARC Charter*, Aug. 29, 2019, available at https://www.faa.gov/regulations_policies/rulemaking/committees/documents/index.cfm/document/information/documentID/3983.

¹¹⁶ Bill McGee, *Airline Seat Size: Will FAA Bring Relief to Squeezed Flyers?*, USA TODAY (Nov. 15, 2018), <https://www.usatoday.com/story/travel/columnist/mcgee/2018/11/15/airline-seat-size-faa/2003043002/>.

¹¹⁷ *Id.*

¹¹⁸ Pub. L. No. 115–254, § 577.

ation times at an Oklahoma City facility;¹¹⁹ agency staff are now analyzing the results of that testing, although action is not expected before the second half of 2020.

IX. AIRLINE RESPONSE TO CORONAVIRUS DISEASE 2019

Over the past several weeks, the global community has closely observed an outbreak of a “respiratory disease caused by a novel (new) coronavirus that was first detected in Wuhan City, Hubei Province, China” and which continues to expand internationally.¹²⁰ Last month, the World Health Organization named the disease “coronavirus disease 2019” (COVID-19).¹²¹ The virus can spread person-to-person and has spread outside of China, including to the United States, where the first confirmed person-to-person spread was reported on January 30, 2020.¹²²

In response to the outbreak, the three U.S. airlines serving China—American, Delta, and United—have temporarily suspended all flights between the United States and China. Airlines are generally offering refunds and change fee waivers for previously scheduled travel to China. Some Chinese carriers continue to serve the United States, although most have scaled back or cancelled service given new entry restrictions imposed by the United States and reduced demand.

Airline	Destinations suspended
American	Beijing Hong Kong Shanghai
Delta	Beijing Shanghai
United	Beijing Chengdu Hong Kong Shanghai

As of February 3, 2020, the Department of Homeland Security (DHS) has imposed restrictions on entry into the United States by passengers who have traveled to mainland China within the last 14 days.¹²³ Because COVID-19 outbreak is a public health crisis, the DOT and FAA roles are limited. While the outbreak will have effects on air commerce, it will not affect safety of flight or air traffic control procedures. DOT aviation consumer protection regulations will continue to apply to canceled flights and requests for refunds. Both the DOT and FAA are providing support to Federal public health and security agencies, such as the Centers for Disease Control, while mitigating operational effects on the aviation industry.¹²⁴

WITNESSES

- Mr. Andrew Von Ah, Director, Physical Infrastructure, U.S. Government Accountability Office
- Mr. William J. McGee, Aviation Consultant, Consumer Reports
- Mr. Lee Page, Senior Associate Advocacy Director, Paralyzed Veterans of America
- Mr. Joe Leader, Chief Executive Officer, Airline Passenger Experience Association
- Mr. Matt Klein, Executive Vice President and Chief Commercial Officer, Spirit Airlines

¹¹⁹ David Koenig, *FAA to Test Whether Packed Planes Affect Evacuation Time*, ABC News (Oct. 17, 2019), <https://abcnews.go.com/Business/wireStory/faa-test-packed-planes-affect-evacuation-time-66358368>.

¹²⁰ CDC, *Coronavirus Disease 2019 (COVID-19) Situation Summary*, <https://www.cdc.gov/coronavirus/2019-nCoV/summary.html> (last visited on Feb. 19, 2020).

¹²¹ *Id.*

¹²² *Id.*

¹²³ DHS, *DHS Issues Supplemental Instructions For Inbound Flights with Individuals Who Have Been in China*, Feb. 2, 2020, https://www.dhs.gov/news/2020/02/02/dhs-issues-supplemental-instructions-inbound-flights-individuals-who-have-been-china?utm_source=hp_slideshow&utm_medium=web&utm_campaign=dhsgov.

¹²⁴ See, e.g., FAA, *Novel Coronavirus Update*, <https://www.faa.gov/news/updates/?newsId=94991> (last visited Feb. 26, 2020).

THE AIRLINE PASSENGER EXPERIENCE: WHAT IT IS AND WHAT IT CAN BE

TUESDAY, MARCH 3, 2020

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AVIATION,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

The subcommittee met, pursuant to call, at 10 a.m., in room 2167, Rayburn House Office Building, Hon. Rick Larsen (Chairman of the subcommittee) presiding.

Mr. LARSEN. The subcommittee will come to order. I ask unanimous consent that the chair be authorized to declare a recess during today's hearing. Without objection, so ordered. I also ask unanimous consent that Members not on the subcommittee be permitted to sit with the subcommittee at today's hearing and to ask questions. Without objection, so ordered.

Good morning. I want to thank the witnesses for joining the subcommittee today for a discussion on the air travel experience. According to the U.S. Bureau of Transportation Statistics, in 2018, U.S. airlines carried 925.5 million passengers to destinations in the U.S. and abroad, the highest total since 2003. The FAA's current aerospace forecast predicts passenger traffic will increase roughly 2 percent per year over the next 20 years.

In the Puget Sound region, where I am from, the number of passenger enplanements is expected to grow from 24 million in 2018 up to 55.6 million by 2050.

So, while increased passenger demand creates new economic opportunities and enhances the Nation's aviation network, longstanding challenges can hinder growth. Over the last few years, U.S. airlines have invested in their products, including IT solutions, such as smartphone apps, to destress the travel experience.

Today's hearing is an opportunity for this subcommittee to examine the U.S. airline passenger experience, hear from stakeholders on ways to improve this experience, and consider how Congress and the airline industry can foster innovation to benefit the flying public.

Today's witnesses represent a broad range of stakeholders with unique insights on the passenger experience, from the Government Accountability Office, or GAO, to airlines and industry to consumer advocates. And while the subcommittee will discuss numerous aspects of the everyday travel experience on U.S. airlines, there are a few at the top of my mind today.

The first is accessibility issues. According to the last U.S. Census estimates, 57 million Americans have a disability, and more than

half of those have mobility issues. Last November, the subcommittee held a roundtable to better understand this community's air travel experience, including challenges with boarding the aircraft, inaccessible lavatories, inappropriate screening techniques, and damaged wheelchairs and mobility aids.

As mandated by the 2016 and 2018 FAA Reauthorization Acts, the U.S. Department of Transportation initiated several rulemakings to improve the accessibility of aircraft lavatories and regulate emotional support and service animals.

And Mr. Lee Page today joins us on behalf of the Paralyzed Veterans of America. Mr. Page, thank you for coming. I look forward to hearing more about these rules and how Congress can work with industry and stakeholders to help fill in the gaps on airplanes and airport accessibility.

Discrimination. Throughout this country's history, discrimination has been a pervasive and persistent issue. Far too often, viral videos, reports, or personal anecdotes uncover unlawful practices across the transportation sector on the basis of race, color, national origin, gender, religion and disability.

According to GAO, passenger discrimination complaints submitted to the DOT went up from an average of 80 per year over the past decade to 96 complaints in 2019. Most of these complaints were related to racial discrimination. Sadly, this startling statistic does not reflect the numerous other cases DOT's reporting system has not captured.

So one of the priorities that I have in Congress is to break down barriers for all people to fully participate in our economy and society. And the 2018 FAA Reauthorization Act directed the GAO to assess airlines' nondiscrimination training programs for employees and contractors.

Mr. Von Ah joins the panel from the GAO and will provide an update on the agency's work on this study.

In addition, Mr. Klein, with Spirit Airlines, I look forward to hearing more about industry's efforts to reduce discrimination.

I want to just touch on the future of the airline passenger experience as well. At the beginning of the 116th Congress, I set a forward-looking agenda which prioritizes enhancing the air travel experience for U.S. passengers. To do so, Congress, the DOT, and industry must work to ensure transparency, prevent unfair and inequitable practices, and promote reliable and accessible air service for all Americans.

The last FAA Reauthorization Act included numerous provisions to enhance the experience of airline passengers, including establishing minimum seat pitch dimensions in a commercial aircraft, establishing a DOT aviation consumer advocate to help resolve air travel complaints, and requiring carriers to improve the transparency with the accommodations that they provide passengers caught up in widespread flight disruptions, among other things.

So I look forward to hearing today's testimony from Mr. McGee on how recent law will help improve the passenger experience, and as well, from Dr. Leader from the Airline Passenger Experience Association on industry's voluntary efforts to invest in new technologies, equipment, and general practices to better serve consumers.

I am pleased to convene this first hearing today on consumer protections in nearly 3 years, to explore the important issues facing air travelers today. Over the past several years, the Federal Government and carriers have made progress in improving the passenger experience. We should recognize that. We should all recognize there is much more work ahead.

So my thanks, again, to today's witnesses. I look forward to identifying ways Congress can ensure all passengers have a safe, comfortable, and dignified travel experience.

[Mr. Larsen's prepared statement follows:]

Prepared Statement of Hon. Rick Larsen, a Representative in Congress from the State of Washington, and Chairman, Subcommittee on Aviation

Good morning and thank you to today's witnesses for joining the Subcommittee's discussion on the air travel experience.

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Sadly, this startling statistic does not reflect the numerous other cases DOT's reporting system has not captured.

One of my priorities in Congress is to break down barriers for all people to fully participate in the economy.

The 2018 FAA Reauthorization Act directed the GAO to assess airlines' non-discrimination training programs for employees and contractors.

Mr. Von Ah joins the panel from the GAO and will provide an update on the agency's work on this study.

In addition, Mr. Klein, with Spirit Airlines, I look forward to hearing more about industry's efforts to reduce discrimination.

At the beginning of the 116th Congress, I set a forward-looking agenda which prioritizes enhancing the air travel experience for U.S. passengers.

To do so, Congress, the DOT and industry must work to ensure transparency, prevent unfair and inequitable practices and promote reliable and accessible air service for all Americans.

The latest FAA Reauthorization Act includes numerous provisions to enhance the experience of airline passengers, including establishing minimum seat pitch dimensions in commercial aircraft, establishing a DOT aviation consumer advocate to help resolve air travel complaints and requiring carriers to improve transparency with the accommodations they provide passengers caught up in widespread flight disruptions, among many others.

I look forward to hearing today's testimony from Mr. McGee on how the recent law will improve the passenger experience, as well as from Dr. Leader from the Airline Passenger Experience Association on industry's voluntary efforts to invest in new technologies, equipment and general practices to better serve consumers.

I am pleased to convene the first hearing on consumer protections in nearly three years to explore the important issues facing air travelers today.

Over the past several years, the federal government and carriers have made some progress in improving the passenger experience, but there is much more work ahead.

My thanks again to today's witnesses. I look forward to identifying ways Congress can ensure all passengers have a safe, comfortable and dignified travel experience.

Mr. LARSEN. With that, I understand the sitting-in ranking member of the subcommittee does not have a statement, and so I will now turn to the chair of the full committee, Representative DeFazio of Oregon.

Mr. DEFAZIO. I thank the chair, thank him for this hearing.

Before we get to the subject matter at hand, I just want to address briefly the COVID-19 and air travel. Five years ago, the GAO recommended that in response to the 2014 Ebola outbreak that DOT work with relevant agencies and stakeholders to develop a national aviation preparedness plan for communicable disease outbreaks. That hasn't happened. Through two administrations, it hasn't happened, and now it is a little late.

We have CDC trying to deal directly with the airlines to try and get passenger information. There is ongoing conflict over that. So last week, the chair and I wrote to Secretary Chao and asked that she implement the recommendations of the GAO, and put together a task force and become more involved in these issues, as CDC shouldn't have to deal with individual airlines. Policies should be developed from knowledgeable people at FAA or DOT, so we can begin to better track passengers.

Now, that is obviously not the subject of the hearing today. The state of air travel—you know, my first term in Congress, I introduced a bill called the Airline Passenger Equity Act, and some of those things that were in that bill have been enacted and some are still out there. There are still issues that need to be dealt with for a better passenger experience.

One thing is complaints. Well, there aren't that many complaints. Well, GAO says there are, you know, 50 complaints to the airlines for every 1 that gets to DOT. Who knows to get in touch with DOT? How do you do that? For a while, I had gotten a mandate in one or another of the bills that they had to post something

with an 800 number at the airline ticket counters, and DOT had to maintain an 800 number.

I mean, today, how does anybody know to contact DOT with a complaint? We need more transparency there so we get a better handle on how many problems and complaints there really are.

The airlines have record profitability and a big part of that profitability is ancillary fees.

Now, it is interesting that we have laws—I studied economics, graduate school, undergraduate—laws of supply and demand. The airlines, somehow when it comes to ancillary fees or bag fees, the sky is the limit. It is totally elastic. It is like there is no point at which passenger bookings fall off.

In fact, when we were doing the FAA bill in 2018, within a month, all the major airlines raised their bag fees by \$5. United just raised theirs again \$5. Are their enplanements going to drop off drastically? No. But they say if an airport, in order to enhance the airport experience, the crowded terminals, the lack of gates which make planes sit idle and on the runway for hours sometimes at a time, that if passengers—you know, the passenger facility charge has been fixed for 20 years. If that went up by \$1 or \$2 or, wow, even think of \$5 like the bag fee, no one would ever fly again. They would be just totally inelastic. One dollar, won't fly.

I mean, the truth is, they want control. And even though we can make the case to the airlines that—somebody has got to pay for this. And we have had the airports do an excellent job this last year, starting with the hearing last year, documenting the fact, OK, we have to do these projects. Here is an agreed-upon project. If we just bond it for 30 years and don't do anything else, because we don't have any more bonding authority, here is how much interest we are going to pay. Now, if we could increase the passenger facility charge, the user fee, by this amount, and they give the table and show, you know, with a couple of bucks, wow, you cut the interest costs in half.

And what I say to the airlines is, who is going to pay that interest? You are going to pay it one way or another. You are going to pay it in a landing fee, a gate fee, a lease fee, whatever. Someone has got to pay it. So why waste money? Why not raise money in the most efficient way possible and make the improvements we need to the system.

But, you know, we have been stuck on that for quite some time. Passengers with disabilities, we had a hearing last fall on this. One mishandled mobility aid, or one dropped passenger is a tragedy and very difficult for a person with a disability. I mean, it is essentially part of their body and it is unacceptable.

My local paper, in fact, did some investigative reporting about airlines' resistance to repairing, replacing critical essential mobility aids on a timely basis. I think many of you have seen the photograph of the guy who is taped to an aisle chair.

This is unacceptable. And, you know, last, we asked DOT or DOT has asked the airlines to specify their training procedures, how they are replacing or handling the aids that are damaged or lost. I have yet to see the results of that. Maybe we will hear a little bit about that today.

And then emotional support animals. I am pleased to see that the DOT is taking some action there. Obviously, we get to peacocks and turkeys and other animals, this is a little bit out of control. There are legitimate needs for emotional support and people who legitimately need emotional support and have legitimate objects with them. Animals should not be penalized because other people are abusing the system.

And then finally, a serious thing is cabin evacuations. DOT is conducting some, I think, inadequate testing with, you know, a partial mockup shell of an airplane having to do with evacuation times, and dealing with seat spacing and issues like that.

Before I got to Congress, we had had the Manchester Airport plane fire, and people were piled up like cordwood trying to get out of that plane. They died in a survivable incident. It took another 6 years here in the United States to get that one seat removed over by the wing, because the airlines didn't want to lose the revenue. In fact, they came back 2 years later with a fake study that said, oh, it takes longer to evacuate the plane if you take out that row of seats. We beat them back on that, and we still have that, but I am concerned about it. And we have got to start dealing with the behavior of people.

In the Chicago crash, where it took well over almost 2½ minutes to evacuate a burning plane, people were dragging their carry-on bags with them, big bags, and fighting with the flight attendants over taking their luggage. We have got to figure out how we are going to deal with those problems. And DOT has to reevaluate whether or not we can meet the standard, given customer behavior, something they haven't taken into account.

So there is much before us. I look forward to being informed by the panel today. Thank you, Mr. Chairman.

[Mr. DeFazio's prepared statement follows:]

Prepared Statement of Hon. Peter A. DeFazio, a Representative in Congress from the State of Oregon, and Chairman, Committee on Transportation and Infrastructure

Thank you, Chair Larsen, for calling today's hearing on the airline passenger experience—and what it can and should be.

I want to start by saying that I am monitoring the spread of the coronavirus (COVID-19)—and the aviation sector's role in mitigating the disease's spread into the United States. Last week, Chair Larsen and I sent a letter to Transportation Secretary Chao urging her to implement a five-year-old Government Accountability Office (GAO) recommendation in response to the 2014 Ebola outbreak that the Department of Transportation (DOT) work with relevant agencies and stakeholders to develop a national aviation preparedness plan for communicable disease outbreaks.

This recommendation has not been implemented and had it been so, the U.S. Government may be in a better position today to coordinate and collaborate with industry in responding to the COVID-19 outbreak. This Committee will continue to track this pandemic and its effects on public health and our civil aviation industry. We will take actions as appropriate and necessary.

We are here today, however, to discuss the state of air travel in the United States. The last opportunity we had to do so in a hearing setting came in 2017 after a series of errors by the biggest U.S. airlines—a year or more of air travel plagued by major computer meltdowns stranding millions of passengers across the country and some serious altercations and exchanges with passengers during travel, to name a couple.

We should not wait until the water main breaks before conducting important, and necessary, oversight of the airline passenger experience, and so I'm pleased we are here today.

During my first term in Congress, as a Member of this Committee's predecessor, the Public Works and Transportation Committee, I introduced the Airline Passenger Equity Act of 1987 to keep commercial airlines accountable to their passengers. Some of these provisions were included in the Airline Passenger Protection Act of 1987, but some 30 years and several passenger protection bills later, it appears there is more work to do.

U.S. airlines have soared to record profitability in recent years—with a combined after-tax profit of \$11.8 billion in 2018 and another \$11.8 billion in the first three quarters of 2019. Recent profitability is, in part, due to ancillary fees, adding to the cost of air travel for many passengers today. In 2018 alone, U.S. airlines' fees for checked bags and reservation changes alone totaled \$7.6 billion. And these fees continue to rise.

Incidentally, several major U.S. airlines—JetBlue, American, United, and Delta—increased their checked bag fees by \$5, within a 30-day span in 2018. These increases, one after the other, all occurred as Congress was negotiating the FAA reauthorization bill.

And just a week ago, United announced it will again up its checked bag fee by \$5, unless the passenger pre-pays for the bag before online check-in. If past behavior is indicative of what is to come, United's competitors will soon follow suit and raise their bag fees as well.

It strikes me as odd that as carriers continue to increase their bag fees, passenger demand continues to grow. Yet airlines change their views on the law of supply and demand when it comes to increasing the passenger facility charge (PFC)—the most effective funding tool our nation's airports have to build and maintain their infrastructure. They argue that even a dollar increase would cause demand to plummet.

If we seriously want to talk about improving the passenger experience in air travel, we could do a lot on the ground by increasing the PFC, which has been totally stagnant for two decades. Until then, terminals will remain clogged with passengers; runways and taxiways will be in need of additions and rehabilitation; airplanes will sit on the tarmac waiting for gates; and we'll miss opportunities to create good-paying jobs across the country.

As the airlines continue to squeeze extra money from passengers, what are passengers left with?

Packed planes. Aircraft load factors are approaching a 15-year high (more than 84.5 percent full on average last year).

Mishandled bags. Nearly 3 million mishandled bag reports were filed with reporting U.S. carriers last year.

Inflexibility. U.S. carriers made \$2.7 billion on reservation changes and cancellations alone in 2018. I've seen these fees as high as \$200 each way, plus the difference in cost for the new flight; and if flying internationally, a passenger needing to switch dates might pay \$750 or more.

Sometimes little or no reasonable recourse. Most of a passenger's right are buried in U.S. airlines' contracts of carriage. These treatises—40 pages on average—"require a reading level of someone with a college graduate degree," according to the GAO.

The traveling experience is even more burdensome for passengers with disabilities or reduced mobility. There are many issues to discuss on this matter, but one that jumps to the front is airlines' poor handling of mobility aids.

An investigative article published last year in the Eugene Register-Guard, a newspaper in my district in Oregon, detailed alarming instances of airlines failing to respond meaningfully to complaints of wheelchair mishandling and refusing to repair or replace damaged wheelchairs.

According to DOT data—which the public has just started to see only after Congress imposed a mandate in the 2018 FAA Reauthorization Act—reporting U.S. airlines collectively mishandled 10,548 wheelchairs and scooters in 2019. In other words, the airlines mishandled nearly 900 mobility aids per month.

The airlines may argue that considered relative to the total number of aids that the carriers transported, they mishandled only a couple of percent. However, the real number is likely much larger since a lot of these incidents are never reported. And I believe even one mishandled wheelchair is one too many, as these aids are extensions of people's bodies. We must ensure these passengers have a dignified traveling experience, from arrival at the airport to their destination.

We must also ensure the airline cabin is a safe and hospitable environment for all.

Recent press stories describe passengers bringing animals, purported to be "emotional support animals," on board aircraft and those animals biting flight crew and showing aggression to passengers and other service animals. With the introduction

of “comfort” turkeys, possums, snakes, and peacocks, the airport terminal and aircraft cabin have become a zoo.

I was encouraged the DOT proposed a rule earlier this year to start the discussion on how to address the abuse of emotional support animal policies. It is my hope this process will result in reasonable approaches that appropriately protect passengers with support needs from discrimination while also ensuring the comfort of other passengers.

Finally, I would like to discuss briefly my concerns regarding the safety of passengers in the event of a cabin evacuation.

In 1985, before I was elected to Congress, 55 people died during the botched evacuation of British Airtours flight 28M in Manchester. After I was elected, I persisted in response to that tragedy until the Federal Aviation Administration (FAA) finally adopted spacing requirements for exit-row seats in 1992.

But evacuations continue to be a problem. After a Boeing 767 became engulfed in flames following an uncontained engine failure during its takeoff roll in Chicago in 2016, the scene in the cabin was a complete melee as passengers tried to evacuate the burning plane dragging huge carry-on bags with them. To quote from the National Transportation Safety Board’s report:

“In one case, a flight attendant tried to take a bag away from a passenger who did not follow the instruction to evacuate without baggage, but the flight attendant realized that the struggle over the bag was prolonging the evacuation and allowed the passenger to take the bag.”

The FAA says it should take 90 seconds to evacuate a burning plane. It took 161 passengers and eight crew two minutes and 21 seconds to evacuate the 767 at O’Hare. So that to me begs the question: Are the FAA’s assumptions valid about how long it takes for cabin evacuations?

At my insistence, the 2018 law requires the FAA Administrator to reassess the assumptions and methods behind certification of evacuation times and report to Congress on the matter. I will be checking in with FAA Administrator Dickson on the agency’s status in meeting this important safety-critical mandate.

With that, Chair Larsen, I again thank you for holding today’s hearing.

Mr. LARSEN. Thank you, Mr. Chair. I appreciate the opening comment.

And I will now turn to our witnesses. I would note that the ranking member of the subcommittee does come during witness testimony. We will finish witness testimony and then go to the ranking member for a statement, just a heads-up on that for folks.

I do want to welcome the panel of witnesses. We have Mr. Andrew Von Ah, the Director of Physical Infrastructure at the U.S. GAO; Dr. William McGee, aviation consultant for Consumer Reports; Mr. Lee Page, a senior associate advocacy director for the Paralyzed Veterans of America; Mr. Joe Leader, chief executive officer of the Airline Passenger Experience Association; and Mr. Matt Klein, executive vice president and chief commercial officer of Spirit Airlines, who is also accompanied by Mr. Thomas Canfield, senior vice president, general counsel and secretary of Spirit Airlines. But I understand Mr. Klein will be giving the opening statement, and Mr. Canfield is present for possible questions as well.

So, with that, I want to thank you all for being here today. I look forward to your testimony and, without objection, all your full statements will be entered into the record. And since that is the case, your written testimony has been made part of the record, the subcommittee requests that you limit your oral testimony to 5 minutes.

With that, we will proceed with Mr. Von Ah with the GAO. You are recognized for 5 minutes.

TESTIMONY OF ANDREW VON AH, DIRECTOR, PHYSICAL INFRASTRUCTURE, U.S. GOVERNMENT ACCOUNTABILITY OFFICE; WILLIAM J. MCGEE, AVIATION ADVISER, CONSUMER REPORTS; LEE PAGE, SENIOR ASSOCIATE ADVOCACY DIRECTOR, PARALYZED VETERANS OF AMERICA; JOE LEADER, CHIEF EXECUTIVE OFFICER, AIRLINE PASSENGER EXPERIENCE ASSOCIATION; AND MATT KLEIN, EXECUTIVE VICE PRESIDENT AND CHIEF COMMERCIAL OFFICER, SPIRIT AIRLINES, INC., ACCOMPANIED BY THOMAS CANFIELD, SENIOR VICE PRESIDENT, GENERAL COUNSEL, AND SECRETARY, SPIRIT AIRLINES, INC.

Mr. VON AH. Chairman Larsen, Ranking Member Graves, Chairman DeFazio, members of the subcommittee, thank you for the opportunity to discuss our recent body of work on airline consumer protections. My remarks today are based on our reports issued over the past 3 years on a variety of airline consumer issues.

Specifically, my statement today covers trends in DOT's data on airline service, airlines' actions to improve such service, and what is known about passenger complaints and airlines' practices on accessibility and discrimination issues.

Our work found that the quality of airlines' operational performance has generally improved over the past decade. Rates of denied boardings and mishandled baggage have dropped precipitously, and on-time performance has remained relatively steady, with some modest improvement. Airlines have, for example, reduced involuntary denied boardings by investing in technology to better predict passenger no-shows, increasing compensation to volunteers to give up their seats when needed, or reducing or eliminating overbookings altogether.

They have upgraded baggage tracking technology, and have instituted practices to mitigate the impact of delays, such as tracking flights that are at risk of being chronically delayed, improving communications with passengers through text messaging updates, and voluntarily compensating some passengers during extended flight delays.

Nonetheless, when delays or other disruptions occur, they can be costly and inconvenient for both airlines and passengers. Airlines are required to compensate certain passengers who are denied boarding involuntarily and to provide refunds for canceled flights. Beyond those requirements, however, DOT officials told us that airlines are not obligated, though they may choose, to provide accommodations for flight disruptions, such as cancellations and delays, unless specified in airlines' contracts of carriage.

In our work, looking at the impact of airline IT outages, our review of selected airlines' contracts of carriage showed variation in the types of accommodations provided, and under what circumstances they will be provided. This can lead to confusion and frustration for some passengers who may have incurred—

Mr. LYNCH. Would the gentleman move the microphone a little closer to his mouth? I am sorry, I am having a hard time hearing you. Thank you, appreciate it.

Mr. VON AH. Yes, absolutely.

And may feel that they have not been fully compensated. While operational improvements have been a positive for consumers, data

on complaints tell a bit of a different story. Complaints received by DOT have generally increased over the last decade, relative to the number of passenger boardings, by about 10 percent.

Flight problems and baggage issues are consistently the top categories of complaints. Complaints related to accessibility and discrimination, though far fewer, but data shows that disability-related complaints to airlines have steadily increased this decade from about 19,000 in 2010, to about 30,000 in 2017, an increase of over 50 percent. And there has been an uptick of discrimination-related complaints reported to DOT in the last few years.

Of course, the number of complaints may not reflect the full adverse experience of passengers. For example, in our recent work examining the accessibility of aircraft lavatories, while there may be few complaints, we noted that some passengers with limited mobility may take extreme steps to avoid using the lavatory altogether, such as severely limiting their food and fluid intake in advance of the flight, and others may choose not to fly at all. More generally, we have found that complaint data are inherently limited, because a substantial portion of dissatisfied individuals never complain and are, therefore, not represented in the data.

Our recent work on accessibility and discrimination issues is focused on airlines' efforts to provide training on these topics to their employees. And we found that all the airlines we examined had developed initial and recurring training in these areas, though they have been reticent to provide some of the details to us. With respect to nondiscrimination training in particular, we found that airline trainings varied, and that not all airlines covered topics like implicit bias, which our work found to be a key principle to include in such training.

Looking forward, the 2018 FAA reauthorization bill contained a number of provisions for DOT with respect to consumer protections, including provisions to develop leading nondiscrimination practices for airline training, and to establish an airline passengers with disabilities bill of rights. These efforts are ongoing.

DOT has also recently taken initial steps to establish rules related to the accessibility of single-aisle aircraft lavatories, which has been something that they have been working on since 1992, I might add, and regulating service animals.

In addition, we have open recommendations to DOT to improve its ability to target and measure its consumer protection compliance activities, including getting feedback from consumers on its efforts to educate them on their rights.

Chairman Larsen, Ranking Member Graves, this concludes my statement. I would be happy to address any questions you may have. Thank you.

[Mr. Von Ah's prepared statement follows:]

**Prepared Statement of Andrew Von Ah, Director, Physical Infrastructure,
U.S. Government Accountability Office**

AIRLINE CONSUMER PROTECTIONS: INFORMATION ON THE PASSENGER EXPERIENCE

Chairman Larsen, Ranking Member Graves, and members of the Subcommittee: Thank you for the opportunity to discuss our body of work on consumer protections for airline passengers. Each year, hundreds of millions of passengers rely on

airlines to get them to their destination without incident—including some of the 57 million Americans with a disability, who may require additional assistance from airline personnel. While airlines maintain that operational performance and customer service are improving, citing better on-time performance and higher customer satisfaction scores, passengers may still experience a range of inconveniences, such as a delayed or canceled flight, lost or damaged wheelchair, or unsatisfactory experience with airline staff. Moreover, some non-discrimination advocacy organizations and others have questioned whether airlines treat all passengers equally and without bias, citing incidents where Muslim passengers and passengers of color appear to be religiously or racially profiled.¹ The Department of Transportation (DOT) is responsible for ensuring that airlines adhere to consumer protections afforded to passengers.

My testimony today is based on prior reports we issued from September 2017 through January 2020 on a variety of airline consumer protection issues—including airlines' denied boarding practices, impacts of airline IT outages, and airlines' disability and nondiscrimination trainings, among others.² Specifically, this testimony describes (1) trends in DOT's data on airline operational performance from 2008 through 2017 and airlines' actions to improve such service, and (2) what is known about passenger complaints and airlines' practices related to accessibility and non-discrimination issues.

To conduct our prior work, we analyzed relevant DOT data on airlines' operational performance and passenger complaints; reviewed DOT documents and guidance, and applicable statutes and regulations; and conducted interviews with DOT officials and representatives from selected airlines and consumer advocacy organizations, among others. More detailed information on our objectives, scope, and methodology can be found in each of the reports. For this statement, we updated our prior analyses on passenger complaints related to accessibility and discrimination issues and reviewed DOT's recent rulemakings. We conducted the work on which this testimony is based in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

BACKGROUND

While U.S. airlines' business practices were largely deregulated following the Airline Deregulation Act of 1978,³ a number of consumer protections are in place at the federal level.⁴ For example, some consumer protections are required by federal statute, such as the Air Carrier Access Act of 1986 (ACAA), as amended, which prohibits airlines from discriminating against individuals based on a disability.⁵ Federal statutes have also authorized DOT to regulate certain areas affecting passengers. For example, DOT has the authority to stop airlines from engaging in unfair or deceptive practices, or unfair methods of competition,⁶ and promulgates consumer protection regulations under its statutory authorities.⁷ Under these authorities, DOT issued three final rules on Enhancing Airline Passenger Protections from

¹ NAACP Legal Defense and Educational Fund (LDF) and Muslim Advocates, Letter to the U.S. Department of Transportation (DOT), May 11, 2016. Later, in this statement we provide examples of actions DOT took in response to such concerns.

² GAO, *Aviation Consumer Protection: Few U.S. Aircraft Have Lavatories Designed to Accommodate Passengers with Reduced Mobility*, GAO-20-258 (Washington, D.C.: Jan. 7, 2020). GAO, *Airline Consumer Protections: Information on Airlines' Denied Boarding Practices*, GAO-20-191 (Washington, D.C.: Dec. 10, 2019). GAO, *Airline Consumer Protections: Information on Selected Airlines' Non-Discrimination Training Programs*, GAO-19-654R (Washington, D.C.: Aug. 22, 2019). GAO, *Commercial Aviation: Information on Airline IT Outages*, GAO-19-514 (Washington, D.C.: June 12, 2019). GAO, *Airline Consumer Protections: Additional Actions Could Enhance DOT's Compliance and Education Efforts*, GAO-19-76 (Washington, D.C.: Nov. 20, 2018). GAO, *Commercial Aviation: Information on Airline Fees for Optional Services*, GAO-17-756 (Washington, D.C.: Sep. 20, 2017). Across our various airline consumer protection reports, our universe of "selected" airlines has ranged from six airlines in our work on airlines' non-discrimination training to 12 airlines in our work on consumer protections and DOT's compliance and education efforts.

³ Pub. L. No. 95-504, 92 Stat. 1705.

⁴ Although in law airlines are generally referred to as "air carriers" and "foreign air carriers," we will refer to them as "airlines" for the purpose of this statement.

⁵ Pub. L. No. 99-435, 100 Stat. 1080 (codified as amended at 49 U.S.C. § 41705). As discussed later, DOT also has specific rules against discrimination in air travel.

⁶ 49 U.S.C. § 41712.

⁷ See e.g., 49 U.S.C. §§ 40101(a), 41702, and 41712.

2009 through 2016.⁸ These rules have addressed long tarmac delays, increased compensation amounts for passengers who are involuntarily denied boarding, and required certain airlines to post information about their fees and on-time performance on their websites.⁹

AIRLINES' OPERATIONAL PERFORMANCE HAS GENERALLY IMPROVED, BUT PASSENGERS FILED MORE COMPLAINTS AND MAY EXPERIENCE A RANGE OF INCONVENIENCES

Rates of Mishandled Baggage and Denied Boardings Generally Declined From 2008 Through 2017, While Airlines' On-Time Performance Remained Relatively Steady

In 2018, we found that airlines' operational performance—as measured by DOT data on denied boardings; mishandled baggage; and late, cancelled, or diverted flights—generally improved from 2008 through 2017, the most recent data available at the time of our review.¹⁰ While rates of voluntary and involuntary denied boardings and mishandled baggage generally declined, airlines' on-time performance stayed about the same (fig. 1). For example, over the 10-year period of our review, the lowest rate of involuntary denied boardings occurred in 2017. Specifically, in 2017, airlines involuntarily denied boarding to about .003 percent of all passengers (or about 23,000 of more than 680 million passengers)—a slight decrease from prior years. Our more recent work on airlines' denied boarding practices found that even fewer passengers were denied boarding involuntarily in 2018.¹¹ Rates of mishandled baggage also generally declined in recent years. For example, in 2017 airlines posted a rate of 2.5 mishandled bags per 1,000 passengers (a rate of .25 percent of mishandled bags per passenger enplanement), compared to a rate of 5.25 mishandled bags per 1,000 passengers in 2008.

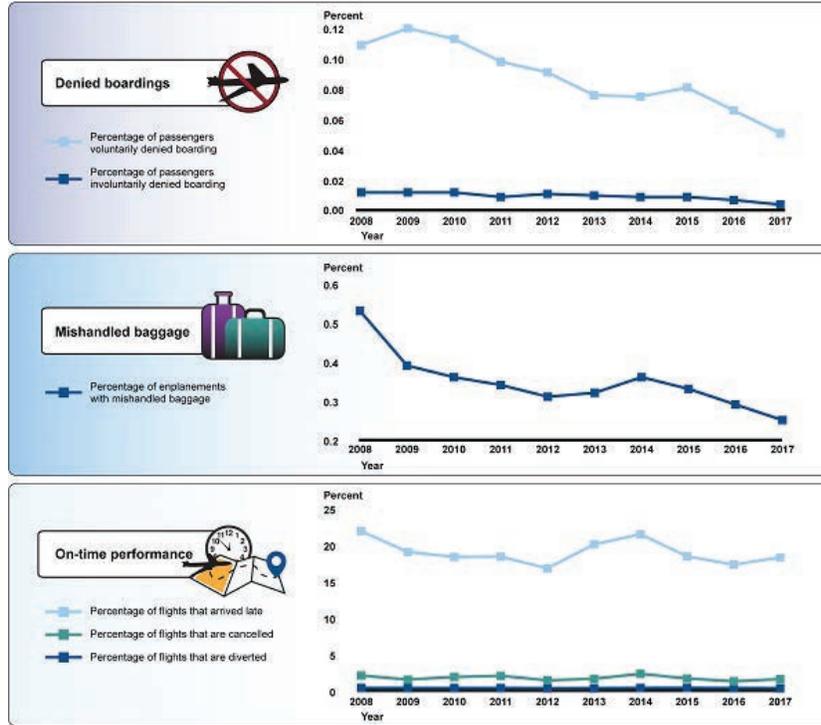
⁸See 81 Fed. Reg. 76800 (Nov. 3, 2016); 76 Fed. Reg. 23110 (Apr. 25, 2011); 74 Fed. Reg. 68983 (Dec. 30, 2009).

⁹See, 14 C.F.R. §§ 399.85, 234.11(b), respectively. If a flight is oversold, airlines must request volunteers to be denied boarding. A “volunteer” is a person who responds to the airline's request for volunteers and willingly accepts the airline's offer of compensation, in any amount, in exchange for relinquishing the confirmed reserved space. Any other passenger denied boarding is considered to have been denied boarding involuntarily, even if that passenger accepts the denied boarding compensation airlines are required to provide. See 14 C.F.R. Part 250.

¹⁰GAO-19-76.

¹¹GAO-20-191.

Figure 1: Trends in Measures of Airlines' Operational Performance, 2008 through 2017



Source: GAO analysis of Department of Transportation (DOT) data. | GAO-20-475T

In 2019, we identified a number of factors that can cause airlines' operational issues. For example, passengers might be denied boarding when airlines overbook their flights (i.e., intentionally sell more seats than are available on a flight) or have to substitute smaller aircraft than what was originally scheduled due to maintenance issues.¹² We also found that outages associated with airline IT systems—which are used for flight and crew planning, passenger reservations or check-in, or for providing flight information to the Federal Aviation Administration—can cause flight delays and cancellations.¹³ While we found some outages caused minimal issues, the impact of others was more substantial. For instance, in 2016, an outage in one airline's system that is used to check in and board passengers resulted in the cancellation of 2,300 flights over 3 days.

The Rate of Passenger Complaints Generally Increased From 2008 Through 2017

While airlines' operational performance generally improved, we found in 2018 that the number of passenger complaints reported to DOT, relative to passenger boardings, generally increased from 2008 through 2017 for 12 selected airlines, peaking in 2015 and declining somewhat in later years.¹⁴ Specifically, in that work we found that the rate of passenger complaints reported to DOT, relative to passenger boardings, increased about 10 percent, from about 1.1 complaints per 100,000 passengers in 2008 to 1.2 complaints per 100,000 passengers in 2017.¹⁵ Complaints about operational issues discussed above—which make up three of DOT's 15 com-

¹² GAO-20-191.

¹³ GAO-19-514.

¹⁴ We limited our analysis of passenger complaints in 2018 to "selected" airlines that were required to report operational data to DOT in 2017—the most recent year of available data when we started our review—because they were the largest U.S. domestic passenger airlines in 2016. For additional information see GAO-19-76.

¹⁵ Later in this statement, we discuss some limitations of DOT's complaint data.

plaint categories—accounted for about half of all complaints for the 12 selected airlines from 2008 through 2017. More specifically, in 2018 we found:¹⁶

- *Flight problems* generally accounted for an average of about 33 percent of all complaints. This category includes complaints related to delays, cancellations, and missed connections, among other things. From 2008 through 2017, the rate of complaints in this category generally increased.
- *Baggage issues* generally accounted for an average of about 15 percent of total complaints. Complaints were largely related to lost, delayed, or damaged bags. The rate of baggage complaints generally decreased over our time period.
- *Denied boardings* generally accounted for an average of about 4 percent of total complaints. Complaints were related to airlines' failure to solicit volunteers or providing compensation below the required amount. Rates of complaints about denied boardings generally stayed constant over our time period.

Two of the remaining 12 complaint categories tracked by DOT accounted for about a quarter of passenger complaints. One category related to reservations, ticketing, and boarding, and the other related to customer service—such as airline staff having a poor attitude or refusing to provide assistance, and unsatisfactory seat assignments. Each of these categories generally accounted for an average of about 13 percent of all complaints over the 10-year period.¹⁷

Representatives from Selected Airlines Cited Technological and Other Actions Taken to Improve Service

Our previous work identified actions taken by airlines or DOT in response to such operational issues.¹⁸ DOT's actions are primarily related to establishing regulations about operational issues. For example, while DOT does not prohibit airlines from overbooking flights, it has set compensation amounts for passengers denied boarding involuntarily. DOT has also issued regulations related to returning mishandled baggage within 24 hours, tarmac delays, and prohibiting chronically delayed flights.¹⁹ Examples of airlines' actions are listed below.

- *Reducing denied boardings.* In 2019, we reported that selected airlines have taken a range of actions, aimed at reducing involuntary denied boardings.²⁰ Some of these actions also provide additional incentives for passengers to volunteer to be denied boarding. Actions include reducing or eliminating overbookings; improving software to better predict passenger no-shows; requesting volunteers earlier (e.g., at check-in instead of at the gate); increasing compensation for volunteers; and conducting reverse auctions to solicit volunteers.²¹
- *Less mishandled baggage.* As we reported in 2018, representatives from almost all airlines we interviewed reported investing resources to improve baggage-handling efforts and minimize the effects to passengers whose bags are lost or delayed.²² Among other actions, airline representatives told us they upgraded baggage technology; modernized the claims process, so passengers could complete forms on-line; and instituted replacement baggage programs, where passengers can get a replacement bag at the airport. One airline also invested several million dollars to use radio frequency identification technology to track bags, as well as allowing passengers to track their baggage via an application on their smartphone.
- *Efforts to minimize flight disruptions.* In 2018, we also reported that selected airlines had taken numerous actions to improve on-time performance or mitigate challenges for passengers associated with flight delays and cancellations.²³ For example, one airline began tracking flights that were "at-risk" of meeting DOT's definition of a chronically delayed flight, so it could, among other things, swap crews or substitute aircraft and avoid these types of delays. Other airlines told us they use technology, such as text-messaging updates, to communicate with passengers during delays and cancellations or increased the number of cir-

¹⁶GAO-19-76.

¹⁷The remaining 10 categories account for 22 percent of all complaints and relate to issues such as fares and ancillary fees and advertising.

¹⁸GAO-20-191 and GAO-19-76.

¹⁹A chronically delayed flight is any domestic flight that is operated at least 10 times a month, and arrives more than 30 minutes late (including cancelled flights) more than 50 percent of the time during that month. 14 C.F.R. § 399.82.

²⁰GAO-20-191.

²¹In a reverse auction, airlines solicit information from passengers on compensation amounts they would willingly accept in exchange for voluntarily giving up their seats and taking another flight. Airlines can then use that information to select passengers with the lowest amount of required compensation to be denied boarding voluntarily.

²²GAO-19-76.

²³GAO-19-76.

cumstances for which passengers are compensated during delays and cancellations.

Passengers May Experience Inconveniences When Operational Issues Occur

Our prior work has shown that passengers may be affected to varying degrees by airline operational issues, and that incidents can be costly and disruptive for some passengers. Airlines are required by DOT regulations to provide compensation or certain amenities to inconvenienced passengers under certain circumstances. For example, some passengers who are denied boarding involuntarily are entitled to compensation, with the amount varying based on certain factors.²⁴ Airlines are also required by DOT's interpretation of the statutory prohibition on unfair and deceptive practices to provide refunds for canceled and significantly delayed flights, if a passenger chooses to cancel his or her trip.²⁵ Beyond those requirements, DOT officials previously told us that airlines are not obligated to provide accommodations for flight disruptions, such as cancellations and delays, unless specified in an airline's contract of carriage, although as mentioned above, some voluntarily choose to do so in certain situations. This may result in significant inconveniences for passengers, who may incur costs for lodging, meals and transportation. However, according to our prior work, available information about the number and magnitude of these effects is largely anecdotal and cannot be quantified.²⁶ Furthermore, our review of selected airlines' contracts of carriage in February 2019 showed variation in the types of accommodations airlines provide and circumstances in which they will be provided, when operational issues occur.

CIVIL RIGHTS COMPLAINTS HAVE RECENTLY INCREASED, AND DOT AND MOST AIRLINES HAVE TRAINING EFFORTS

Disability-Related Complaints Have Increased Steadily, While Discrimination-Related Complaints Have Seen a Recent Increase

DISABILITY COMPLAINTS

According to the 2010 U.S. Census, 57 million Americans (roughly 1 in 5) have a disability, and more than half of those 57 million Americans have mobility issues. Furthermore, older Americans are representing an increasing share of the U.S. population. As the population continues to age, the likelihood of this group needing assistance may increase. Without accommodations—such as effective communication of flight information, accessible seats, appropriate boarding assistance, and careful handling and stowage of wheelchairs and other assistive devices—people with accessibility or mobility issues may face challenges when flying, or they may be unable to fly altogether.

As previously mentioned, the ACAA prohibits airlines operating in the U.S. from discriminating against individuals on the basis of disability in the provision of air transportation.²⁷ Under this law, DOT has promulgated regulations requiring that airlines provide passengers with disabilities (1) assistance in enplaning and deplaning; and (2) compensation for lost, damaged, or delayed wheelchairs or other assistive devices.²⁸ In contrast to all other complaints that passengers submit directly to airlines, DOT regulations require that airlines report annually to DOT the number of all disability-related complaints they received.

In our May 2017 report, we provided information showing that disability complaints reported to airlines and DOT generally increased from 2005 through 2015.²⁹ More recent data shows that passenger complaints reported to U.S. airlines continued to increase (see table 1). In particular, we found that complaints reported to airlines on disability issues increased by about 50 percent from 2010 (19,347) to 2017 (29,662), the most recent year for which data are available. Based on our review, the vast majority of passengers chose to file their disability complaints directly

²⁴ See 14 C.F.R. Part 250. Compensation levels vary based on, for example, the type of flight (e.g., foreign or domestic) and on the availability of alternative transportation offered by the airline.

²⁵ DOT has not specifically defined what amounts to a significant delay; individual airlines may or may not set their own thresholds for a significant delay in their contracts of carriage. Such contracts govern what, if anything, a passenger is entitled to, although airlines may—and in our recent work, we found do sometimes—offer additional accommodations to inconvenienced passengers. See GAO-19-514.

²⁶ GAO-19-514.

²⁷ Pub. L. No. 99-435, 100 Stat. 1080 (codified as amended at 49 U.S.C. § 41705).

²⁸ 14 C.F.R. § 382.131.

²⁹ This analysis looked at complaints to U.S. airlines, as well as foreign airlines that fly to, from, and within the U.S.

to the airlines. Notably, the number of passenger complaints on disability issues reported to DOT from 2010 through 2019 ranged from 572 to 944 and averaged about 780 complaints per year. Complaints reported to DOT rose in 2019, after peaking in 2015 and declining the three following years. In 2017, the last year data are available for both, complaints reported to airlines and DOT were most commonly related to failure of airline staff to provide assistance, seating accommodation issues, and service animal issues.

Table 1: Disability Complaints Reported to U.S. Airlines and the Department of Transportation (DOT) by Passengers, Calendar Years 2010 through 2019

Year	Disability complaints to U.S. airlines	Disability Complaints to DOT
2010	19,347	572
2011	18,953	628
2012	20,584	741
2013	21,965	683
2014	24,044	784
2015	26,401	944
2016	27,842	865
2017	29,662	840
2018	Not available	826
2019	Not available	904

Source: GAO presentation of DOT data. GAO-20-475T
 Note: DOT has not yet published its *Annual Report on Disability-Related Air Travel Complaints* for 2019 and 2020, which would include passenger complaints to airlines for 2018 and 2019, respectively.

As we have previously reported, the number of complaints may not fully reflect the inconvenience experienced by passengers or would-be-passengers with accessibility issues. Some may choose not to fly and others may have to take inconvenient or uncomfortable precautionary measures to avoid using the aircraft lavatory.³⁰ For example, in our recent work examining the accessibility of aircraft lavatories, stakeholders we interviewed told us that some passengers severely limit their food and fluid intake in advance of the flight, risking dehydration; use a catheter; or wear a protective undergarment. Furthermore, because lavatories accessible by the aircraft's onboard wheelchair are not required on most aircraft (i.e., single-aisle aircraft)³¹ and there may not be an expectation that the lavatory be accessible by an onboard wheelchair, passengers may not see grounds to complain or may not take the time to submit a complaint. More generally, in our prior work, we found that complaint data are inherently limited because a substantial portion of dissatisfied individuals do not submit complaints and are therefore not represented in the complaint data.³²

DISCRIMINATION COMPLAINTS

A number of federal statutes also prohibit or have been interpreted by DOT to prohibit airline discrimination against airline passengers.³³ Federal statute also allows airlines to refuse to transport any passenger if the airline determines that the passenger is, or might be, a threat to safety.³⁴ According to DOT guidance, this determination is made by the pilot in command of the aircraft or certain other specified airline personnel and cannot be arbitrary, but must be based on specific facts and circumstances known at the time.³⁵ In its guidance, DOT has unequivocally provided that a passenger's status in a protected class (e.g., race, ancestry, national origin, or religion) cannot be the determinative factor in an airline's decision to deny boarding or remove a passenger from a flight.³⁶

Our August 2019 report showed that the total number of passenger complaints reported to DOT against U.S. airlines alleging discrimination generally declined

³⁰ GAO-20-258.

³¹ Under DOT regulations, only aircraft with more than one aisle (twin-aisle aircraft) in which lavatories are provided are required to have at least one wheelchair accessible lavatory. 14 C.F.R. § 382.63.

³² GAO-19-76.

³³ See GAO-19-654R for a list of relevant statutes.

³⁴ See 49 U.S.C. § 44902(b). See also 14 C.F.R. § 91.3(a) providing that the pilot in command of an aircraft is directly responsible for, and is the final authority as to, the operation of the aircraft.

³⁵ DOT, *Passengers' Right to Fly Free from Discrimination* (Washington, D.C.: January 2017).

³⁶ DOT, *Passengers' Right to Fly Free from Discrimination*, (Washington, D.C.: January 2017).

from 2010 through 2015, but began to increase starting in 2016. Moreover, updated data for 2019 show a further increase, with 96 complaints filed (table 2). According to our analysis, from 2010 through 2019, DOT received, on average, 80 discrimination-related complaints a year, most commonly about racial discrimination. Despite the recent increase in the total number of discrimination complaints, they account for a small percentage of total passenger complaints DOT receives, as well as total passenger boardings. For example, in 2019, of the 9,547 complaints DOT received against U.S. airlines, 96 alleged discriminatory treatment.

Table 2: Discrimination Complaints Reported to the Department of Transportation (DOT) Against U.S. Airlines by Passengers, 2010 through 2019

Year	Race	Ethnicity or ancestry	National origin	Religion	Other	Total
2010	24	54	10	5	25	118
2011	34	25	27	1	19	106
2012	40	8	15	7	13	83
2013	50	1	2	2	5	60
2014	42	4	8	1	5	60
2015	43	0	6	2	3	54
2016	57	0	10	6	8	81
2017	56	4	7	3	11	81
2018	53	1	8	1	14	77
2019	60	4	11	6	15	96

Source: GAO presentation of DOT data. GAO-20-475T

Note: "Other" includes complaints about discrimination on the basis of color, age, or sex, among other things.

As noted above and previously reported, DOT's discrimination complaint data does not capture passenger complaints reported directly to airlines.³⁷ In 2018, we reported that DOT officials estimated that, across all complaint categories, for every passenger complaint they receive, airlines receive about 50.³⁸ While we have previously requested discrimination complaint data from selected airlines, they have generally declined, citing the proprietary nature of this information.³⁹ Since 2017, DOT has disaggregated discrimination complaints into sub-categories, such as racial or religious discrimination, and published this data in its *Air Travel Consumer Report*.⁴⁰

DOT and Airlines Have Ongoing Training Efforts on Disability and Discrimination Issues

We previously identified actions that DOT and airlines have taken that are intended to ensure that no passengers are discriminated against on the basis of disability or other protected class. Our work primarily examined airlines' efforts to train staff and contractors. However, our work also identified other airline actions (both proactive and reactive) taken to enhance compliance with consumer protections in these areas. For example, one airline developed a wheelchair tracking system in response to a DOT enforcement action to help reduce incidents of lost or mishandled wheelchairs.

DOT requires that airlines provide their employees and contractor staff who interact with the traveling public training on the proper and safe operation of equipment used to accommodate passengers with a disability, as well as on boarding and

³⁷On its website, when discussing how to file a complaint, DOT recommends that passengers initially file a complaint with the airline. However, the website also states that if the passenger is not satisfied with the airline's response, they may want to then file a complaint with DOT. In our November 2018 report, we recommended, among other actions, that DOT assess its procedures and training materials for coding airline passengers' complaints to help ensure that they are consistently coded and that potential consumer protection violations are properly identified. DOT concurred with all six recommendations and cited actions they had begun taking to address them, such as developing new training materials for coding passenger complaints.

³⁸GAO-19-76.

³⁹One airline provided us information on discrimination complaints it received from passengers relative to total passenger boardings, which showed a relatively constant rate between November 2017 and December 2018. See GAO-19-654R.

⁴⁰DOT issues a monthly *Air Travel Consumer Report*, which informs the public about the quality of airlines' services. This action was taken to increase transparency, in part, in response to LDF and Muslim Advocates' letter referenced earlier in our statement.

deplaning assistance.⁴¹ While not required, DOT encourages airlines to implement comprehensive non-discrimination trainings to help prevent discrimination. DOT has also developed training materials, available on its aviation consumer protection website, for airline employees and contractor staff. These materials include brochures, digital content, and videos on the rights of passengers with disabilities, as well as tips on providing wheelchair assistance at airports and onboard aircraft. In 2017, DOT also developed guidance for airline personnel on non-discrimination topics.⁴² The material included scenarios for recognizing discriminatory behavior and provided examples of how to ask additional questions or conduct additional screening in a non-discriminatory manner.

TRAINING ON DISABILITY ISSUES

In 2017 we reviewed disability training programs for 12 selected airlines and found that they all had disability-related training requirements for their staff and contractors, with some variations in the content and format.⁴³ Over the course of that work, each airline demonstrated that it had, as required, initial and recurrent training for its employees, contractors, and complaint resolution officers (CRO).⁴⁴ All 12 selected airlines used a mix of training, including classroom-based training, computer-based training, situational scenarios, and hands-on training, such as wheelchair handling and lifting passengers into aisle seats to assist in boarding for specific groups. We also found that these selected airlines generally consulted with disability organizations when developing ACAA training programs. Some airlines also voluntarily implemented quality assurance programs to improve and sustain their disability-training programs' performance. Another step some airlines have taken, though not required by the ACAA or its implementing regulations, is the creation of a disability board, which serves as a forum for increasing awareness among their workforce about disability issues.

TRAINING ON NON-DISCRIMINATION ISSUES

In 2019, we reported that representatives from all six U.S. airlines we selected for review told us they provide non-discrimination training to employees, although not all contractor staff receive that training.⁴⁵ These representatives told us they provide initial non-discrimination training to newly hired employees who interact with passengers—including, for example, pilots, flight attendants, and customer service representatives—and that most regularly update the training based on current events or changes in policy. Airline representatives provided high-level examples describing the content of their trainings, but with one exception, they declined to provide more specific information, citing the sensitive or business proprietary nature of such materials.⁴⁶

We found some similarities and differences in what representatives reported their trainings covered. For example, representatives generally stated that non-discrimination trainings—which were typically embedded in larger training programs and combined in-person and web-based modules—emphasized treating all individuals fairly and without bias, regardless of race, ancestry, or religion, among other things. Most also said trainings covered implicit bias—a term that refers to attitudes or stereotypes about groups of people that unconsciously affect a person's understanding, actions, and decisions—and half said they have used DOT's guidance discussed above, with some airline-specific modifications.

Airlines and DOT Have Taken Initial Steps in Other Consumer Protection Areas

In our recent work on aircraft lavatories, we found that some U.S. airlines voluntarily installed lavatories accessible by the aircraft's onboard wheelchair for some of their single-aisle aircraft.⁴⁷ However, we found that these aircraft only constituted about 4.5 percent of the eight selected airlines' combined single-aisle fleet.

⁴¹ Airlines operating aircraft with 19 or more passenger seats are required to provide such training. See 14 C.F.R. § 382.141(a)(1).

⁴² See DOT, *Guidance for Airline Personnel on Non-Discrimination in Air Travel* (Washington, D.C.: January 2017) and DOT, *Passengers' Right to Fly Free from Discrimination* (Washington, D.C.: January 2017). These materials were developed, in part, in response to concerns raised by advocacy organizations referenced earlier in our statement.

⁴³ We did not visit each airline or review all training materials; rather we asked each airline to submit outlines or summaries that described its disability-training regime. GAO-17-541R.

⁴⁴ See 14 C.F.R. §§ 382.141, 382.143, and 382.141(a)(7).

⁴⁵ GAO-19-654R.

⁴⁶ Airlines have no legal requirement to provide us with their non-discrimination training materials or to make such materials available to the public.

⁴⁷ GAO-20-258.

According to airline representatives, providing lavatories accessible by the aircraft's onboard wheelchair may reduce the number of revenue generating seats in the aircraft cabin, which can increase airlines' costs and result in higher fares for consumers. In lieu of lavatories accessible by the aircraft's onboard wheelchair, airline representatives said they have added certain features—such as assist handles or grab bars, and accessible call buttons or door locks—designed to increase access to certain lavatory functions.

DOT has recently issued three notices of proposed rulemaking (NPRM) designed to improve the accessibility of aircraft lavatories, regulate service animals, and clarify DOT's authority to stop airlines from engaging in unfair or deceptive practices. For example, in January 2020, DOT issued an NPRM to solicit comments on short-term accessibility improvements on single-aisle aircraft through the installation of accessibility features within the lavatory, such as those mentioned above, without changing the size of lavatories.⁴⁸ In addition, DOT announced its intention to issue an advance NPRM to address long-term accessibility improvements and to solicit comments and gather information on the costs and benefits of requiring airlines to increase the size of the single-aisle lavatory on new aircraft models to accommodate a wheelchair as well as an assistant. In 2008, DOT noted that accessible lavatories on single-aisle aircraft would benefit passengers with disabilities, but also expressed concerns that revenue loss and other cost impacts could be too great for the airlines.

The FAA Reauthorization Act of 2018 included a number of ongoing requirements for DOT in the airline consumer protection area. For example, DOT is responsible for developing leading non-discrimination practices for airlines, in consultation with airlines and other consumer advocates.⁴⁹ In addition to our recently published work, we have ongoing work examining airport accessibility for passengers with disabilities, as well as DOT's enforcement approach to consumer protections. We anticipate issuing reports on the results of this work later this year.

Chairman Larsen, Ranking Member Graves, and members of the Subcommittee, this completes my prepared remarks. I look forward to answering any questions you may have.

Mr. LARSEN. Thank you very much.

Mr. McGee, you are recognized for 5 minutes.

Mr. MCGEE. Chairman Larsen, Ranking Member Graves, and subcommittee members, on behalf of Consumer Reports, the independent, nonprofit consumer organization, thank you for the opportunity to address the concerns of millions of American air travelers. Three years ago, I appeared before this committee after the infamous Dr. Dao incident, in which a paying passenger was literally dragged off a United Airlines flight. We heard promises that day, but conditions have not improved much for air travelers since then.

A wave of mega mergers since 2001 has left just three major network airlines, American, Delta, and United, plus major low-cost carrier Southwest. Many of us warned such lack of competition would leave Americans at the mercy of an oligopoly, resulting in worse service, higher fares, and fewer hubs and nonstop flights, and that is what has come to pass in many markets. Aircraft cabins are more fully packed than at any time since World War II, with passenger load factors at 84 percent, straining the system to capacity. Seats are tighter as airlines shoehorn ever more passengers in, and the nickel and diming of fees has exploded. Ancillary revenue reached \$75.6 billion worldwide last year.

Statistics indicate that involuntary denied boardings increased by 57 percent last year, with almost 21,000 passengers bumped against their will, enough to fill Capital One Arena. That is why

⁴⁸ 85 Fed. Reg. 27 (Jan. 2, 2020).

⁴⁹ To help inform DOT's leading practices, we identified key considerations for developing and presenting non-discrimination training programs, such as demonstrating management commitment for trainings and including key non-discrimination principles, such as implicit bias, in training content. See GAO-19-654R.

we still advocate banning any forced bumping of ticketed passengers.

But a central question was never addressed: Why Dr. Dao? What internal airline calculations determined who will be permitted to board and who will be bumped, or worse, dragged off? This is an industry in desperate need of transparency. Consider, searching through multitudes of flights and fares can be mind-numbing, due to extraordinarily complex pricing. This is especially hard, because most travelers fly less than once a year, and the airlines don't make it easy to comparison shop. Fees can be even more opaque. Sometimes you can't obtain fees prior to booking, even for basics like checking bags, picking seats, changing flights, or even carrying on a bag.

It is common now for airlines to black out seats at booking, leaving fewer available for selection, thus scaring customers into paying more. Indeed, basic economy is designed to attract shoppers and then pressure them by up-selling.

When a flight is delayed, who will be rebooked and who will not? When it is canceled, who will get a hotel room and who will sleep on the airport floor? If you are not in a premium class or an elite frequent flier, watch out.

Even safety itself is opaque. There is no transparency on the critical maintenance and repairs outsourced to El Salvador, Brazil, and China, often under far less stringent oversight.

Lengthy contracts of carriage provide few rights and guarantees. That is why we still advocate for a comprehensive passenger bill of rights with guaranteed accommodations during flight delays and cancellations, transparency of fares and fees, and safe, healthy aircraft seating.

Because the 1978 Airline Deregulation Act overrules most State consumer protection laws, DOT plays a particularly essential role in protecting passengers, but, unfortunately, has largely abdicated that role.

Consider, in 2017 it cited limited public benefit and withdrew two key rulemakings, while new rulemakings have dwindled. For 2 years, DOT's Aviation Consumer Protection Advisory Committee held no meetings. Then DOT appointed someone from the American Enterprise Institute with no history of consumer advocacy as the consumer representative.

Enforcement authority is falling far short, as DOT issues record low fines. Last year, DOT fined American roughly \$77,000 for a tarmac delay, and Delta, roughly \$68,000. For corporations that generated more than \$44 billion each in revenues in 2018, that is no deterrent.

In 2016, Congress, led by this committee, directed DOT to review, and if appropriate, establish a policy to ensure families with kids 13 and under sit together without paying extra fees. For years, DOT was virtually silent, so we filed a Freedom of Information Act request. DOT finally forwarded 136 complaints to us, stating publicly it was unnecessary to act, quote, "based on the low number."

We analyzed those complaints and were horrified to find cases with children as young as 1, 2, and 3 years old assigned seats away from family. Other children were autistic, suffered seizures, or had

life-threatening nut allergies. Such policies also guarantee chaos during emergency evacuations and put children at risk for in-flight sexual assaults, which the FBI says are rising. Shocked by DOT's inaction, we created an online portal and soon forwarded over 600 complaints, more than four times DOT's original total. DOT should fulfill this committee's mandate, and we are urging major airlines to fix this themselves, joined by more than 125,000 individuals who signed our petition. We also support the Fly Together Act.

Other critical safety issues that haven't been effectively addressed include FAA's troubling oversight of aircraft maintenance outsourcing to foreign repair stations, echoing its failed oversight of Boeing 737 MAX. That is why we support the Safe Aircraft Maintenance Standards Act.

FAA's emergency evacuation testing has failed to account for seismic changes: Record passenger loads, tighter seats, larger passengers, more disabled, more carry-on baggage, distracting electronics, oversized, untrained support animals, and, of course, children seated apart from families. FAA's refusal to close a 67-year-old loophole and require children under 2 to be properly restrained on commercial flights.

Recent media reports highlighted raging battles——

Mr. LARSEN. Mr. McGee, you need to wrap up.

Mr. MCGEE. Sure. All too often, DOT serves the interests of airlines, not the flying public. Congress should enact meaningful passenger rights protections and provide greater safety oversight. We applaud the subcommittee for its continuing efforts.

I will be happy to answer any questions. Thank you very much. [Mr. McGee's prepared statement follows:]

Prepared Statement of William J. McGee, Aviation Adviser, Consumer Reports

Good morning, Chairman Larsen, Ranking Member Graves, and Subcommittee Members. On behalf of Consumer Reports,¹ the independent, nonprofit consumer organization, thank you for the opportunity to speak today regarding the concerns of millions of American air travelers.

Three years ago I appeared before the House Transportation and Infrastructure Committee,² at a marathon 4.5-hour hearing to discuss "Oversight of U.S. Airline Customer Service"—and specifically the state of domestic airline policies in the wake of the infamous "Dr. Dao incident," in which a paying passenger was literally dragged off a United Airlines flight outsourced to a regional carrier. Consumer Reports would like nothing more than to report that conditions have improved for airline passengers since then. But unfortunately, discontent among the nation's travelers with the state of air travel has been increasing, and for good reason.

Massive industry consolidation since 2001 has not produced the higher levels of customer service that were promised by airline executives during the wave of megamergers that absorbed America West, Continental, Northwest, TWA, US Airways, and other carriers and have left the country with just three major network hub-and-spoke airlines—American, Delta, and United, and one major point-to-point carrier,

¹ Consumer Reports is an expert, independent, non-profit organization, founded in 1936, that works side by side with consumers for a fairer, safer, and healthier world, fueled by our trusted research, journalism, advocacy, and insights. We reach nearly 20 million people each month across our print and digital media properties, and we use our labs, auto test center, and survey research center to rate thousands of products and services annually. We have been active for decades on a wide range of policy issues advocating for the interests of consumers, including protecting their safety and rights in air travel.

² ConsumerReports.org; "Testimony of William J. McGee, House Committee on Transportation and Infrastructure," May 2, 2017, [advocacy.consumerreports.org/wp-content/uploads/2017/05/Consumers-Union-McGee-05-02-2017-House-airline-hearing.pdf](https://www.consumerreports.org/wp-content/uploads/2017/05/Consumers-Union-McGee-05-02-2017-House-airline-hearing.pdf).

Southwest. These were the mergers that many of us vocally opposed right here in the House and Senate,³ as we warned that a lack of robust competition would leave American air travelers at the mercy of an airline oligopoly resulting in lower levels of service, fewer hub airports, fewer nonstop flights on many routes, and higher fares on routes not served by Low Cost Carriers. Simply put, due to consolidation airline executives are responding less and less to the needs of customers, who no longer have the kinds of meaningful choices they once did.

What's more, in recent years aircraft cabins have become more fully packed than at any time since World War II, with the most recent annual passenger load factors averaging 84%,⁴ straining the system to capacity on a daily basis. Seats have never been tighter, as legroom pitch and width continue to shrink while airlines attempt to shoehorn ever more passengers into aircraft. And the nickel-and-diming of fees has never been higher or more pervasive; in 2018 Consumer Reports conducted a nationwide survey that found a third of respondents had recently experienced an unexpected airline fee in the previous two years, and half of those went over budget due to such fees.⁵ And these fees continue to get higher. A report released by a leading aviation marketing firm just two weeks ago estimated that airline ancillary revenue reached \$75.6 billion worldwide last year.⁶ In fact, airline financial reports indicate that the primary source of profits of some airlines is ancillary fees, with base airfares becoming increasingly secondary.⁷

This monetization of every aspect of air travel—from checked bag to boarding order to seat selection—has led to new challenges and complications. As I will discuss in greater detail below, airline seating and pricing schemes have created a situation in which families with children discover that they are required to pay additional fees or upgrades in order to ensure they will be seated together. This creates situations that many parents find inconceivable, and it creates safety and security concerns for all travelers.

Many promises were made by executives from United and other domestic airlines at that hearing in 2017, though few tangible improvements ended up in airline Contracts of Carriage. Statistics released by the U.S. Department of Transportation just two weeks ago⁸ indicate that between 2018 and 2019, involuntary denied boardings increased by 57%, with 20,868 passengers bumped against their will last year, enough to fill the Capital One Arena. That's why Consumer Reports continues to advocate for a clear prohibition on involuntary relinquishment of ticketed seats—except for compelling safety or security reasons—and clear guidelines for ensuring that relinquishments are truly voluntary, in exchange for appropriate compensation. But amazingly, one of the most central questions of all concerning Dr. David Dao has never been addressed: Why him? What internal airline calculations determine which passengers will be permitted to board and which will be involuntarily bumped—or worse, dragged off a flight?

Involuntary bumping is just one manifestation of much more systemic problems for consumers. From the passenger's perspective, this is an industry in desperate need of transparency. Nearly every aspect of the customer experience is mired in mystery. Consider:

- When booking a trip weeks or even months in advance, the search through the multitudes of flights, with potentially billions of fares available on flights worldwide is mind-numbing, a process economists have described as one of the most complex pricing mechanisms on the open market. It has spawned cottage industries advising how, where, and even when to shop, down to the best hour of the week. The experience can be especially confounding to the millions of air travelers who fly less than once a year. And the airlines make it difficult to comparison shop.⁹

³ *E.g.*, [advocacy.consumerreports.org/research/cu-to-raise-concerns-about-american-airlines-us-airways-mergers-potential-impact-on-consumers/](https://www.advocacy.consumerreports.org/research/cu-to-raise-concerns-about-american-airlines-us-airways-mergers-potential-impact-on-consumers/).

⁴ U.S. Department of Transportation, Bureau of Transportation Statistics, “Estimated Full Year 2019 and December 2019 U.S. Airline Traffic Data”, January 17, 2020, www.bts.gov/newsroom/estimated-full-year-2019-and-december-2019-us-airline-traffic-data.

⁵ <https://www.consumerreports.org/fees-billing/protect-yourself-from-hidden-fees/>.

⁶ IdeaWorks Company, “CarTrawler Global Statistics of a la Carte Revenue,” February 18, 2020, www.ideaworkscompany.com/february-18-2020-press-release.

⁷ *E.g.*, IdeaWorks Company, “CarTrawler Ancillary Revenue Series for 2019,” July 24, 2019, www.ideaworkscompany.com/wp-content/uploads/2019/08/2018-Top-10-Airline-Ancillary-Revenue-Rankings.pdf.

⁸ U.S. Department of Transportation, Air Travel Consumer Reports, www.transportation.gov/individuals/aviation-consumer-protection/air-travel-consumer-reports.

⁹ *See* [advocacy.consumerreports.org/research/comments-of-consumers-union-and-us-pirg-to-dept-of-transportation-re-ensuring-access-to-reliable-airline-flight-information/](https://www.advocacy.consumerreports.org/research/comments-of-consumers-union-and-us-pirg-to-dept-of-transportation-re-ensuring-access-to-reliable-airline-flight-information/).

- Fees can be even more opaque than fares. In fact, sometimes it can even be impossible to determine the full amount of fees prior to booking. Many of these fees are not optional; they are charged for basic services such as checking bags, selecting seats, changing flight reservations, or even carrying on a small bag.
- When passengers select seats, it's common now for airlines to block out seats throughout the cabin, leaving fewer seats available, a practice that can result in scaring consumers into paying more to secure seats or upgrading to more expensive classes. Indeed, the uncomfortable product known as Basic Economy is designed to attract shoppers and then pressure them by upselling.¹⁰
- When a flight is delayed, which passengers will be quickly rebooked and which will not? When a flight is cancelled, which passengers will be given accommodations, and which will sleep on an airport floor? For those not in premium classes or elite members of frequent flyer programs, there is no transparency on such decisions, and often little communication.
- Even safety itself is opaque. There is no transparency on the outsourcing of critical scheduled maintenance and repairs for U.S. airline fleets to facilities in foreign locations such as El Salvador, Brazil, Mexico, China, and Singapore, often under far less stringent oversight, yet with the full blessing of the Federal Aviation Administration.

I spent seven years working in airline flight operations management, and I don't know that any front-line industry employees can answer these questions, because airline systems are now intentionally opaque, with Contracts of Carriage that provide travelers with few rights and guarantees. They are lengthy, filled with legal jargon, and designed to protect the airline, not passengers. They typically promise only that airlines "may" rather than "will" accommodate passengers fairly. This is why for years now Consumer Reports and others have advocated for a comprehensive, consistent Passenger Bill of Rights, similar to what the European Union has effectively enforced for 16 years now.¹¹ It should include standardized accommodations during flight delays and cancellations; up-front transparency for flights, fares, and fees; and effective standards for safe and healthy aircraft seating.

Because the federal preemption clause of the 1978 Airline Deregulation Act overrules nearly all state consumer protection laws, the federal Department of Transportation plays a particularly essential role in protecting airline passengers. But unfortunately it's a role the DOT has largely been abdicating in recent years. Consider:

- In 2017, the Department cited "limited public benefit" and withdrew two key proposed rulemakings on airline pricing transparency, a move strongly criticized by Consumer Reports and other consumer organizations.¹²
- The Department's Notices of Proposed Rulemakings—which allow the flying public, consumer advocates, and other interested parties to offer comments on critical aviation issues—have trickled down to a fraction of the NPRMs put forth under past Administrations. Ironically, one of the few NPRMs in that trickle is a notice issued just two weeks ago that proposes to restrict the Department's oversight of unfair and deceptive airline practices.¹³ We are particularly concerned that, as is noted in the NPRM, the impetus for this proposal came from the trade association for the airlines.
- For two years, the DOT's Aviation Consumer Protection Advisory Committee did not hold quarterly meetings, as its predecessor committee had for many years. When the ACPAC was finally reconstituted in 2019, the DOT appointed as the consumer representative an adjunct fellow from the American Enterprise Institute, who had no previous history of advocating for consumers. This was a stark departure from the very purpose of establishing the committee.
- For three years now, Consumer Reports has joined other consumer organizations in requesting a meeting with Secretary Elaine Chao to present our concerns about these issues, just as we have met with every other DOT Secretary in recent years. To date that request has been denied.

¹⁰ U.S. Senate, Committee on Commerce, Science, & Transportation, Sen. Bill Nelson, Ranking Member, "New Fares and Fees Take Flight: Basic Economy and New and Increased Fees Continue to Confuse Airline Travelers," January 2018, www.commerce.senate.gov/services/files/44126719-3475-49f6-a974-df2b21e22e10.

¹¹ European Union, Air Passenger Rights, europa.eu/youreurope/citizens/travel/passenger-rights/air/index_en.htm.

¹² U.S. Department of Transportation, "DOT Withdraws Two Proposed Rulemakings," December 7, 2017, www.transportation.gov/briefing-room/dot9117.

¹³ U.S. Department of Transportation, "Notice of Proposed Rulemaking: Defining Unfair or Deceptive Practices," February 20, 2020, www.transportation.gov/individuals/aviation-consumer-protection/notice-proposed-rulemaking-defining-unfair-or-deceptive.

As for the Department's enforcement authority, all too often the punishments fall far short of the offenses, according to independent analysis.¹⁴ In 2019, the DOT issued just eight enforcement actions against airlines, a record low number. And in 2018 it levied just \$1.8 million in such fines, a new low in dollar amounts. For example, the hard-fought tarmac delay rules that were enacted a decade ago to end the airline practice of holding passengers captive on airport taxiways—often for hours on end, without food or water or even lavatory access—were initially quite effective, but in recent years tarmac delays are steadily increasing. This is hardly surprising, considering that last year the DOT fined American Airlines roughly \$77,000 per delay for 13 flights, and Delta Air Lines roughly \$68,000 per delay for 11 flights. For corporations that generated \$44.5 billion and \$44.4 billion respectively in annual revenues in 2018, there clearly is little fear of DOT oversight.

Perhaps the clearest example of the Department's deliberate inaction is an issue Consumer Reports has been closely following for four years. In 2016, Congress, led by this committee, directed the DOT to "review, and if appropriate, establish a policy" to ensure U.S. airlines allow families with children 13 and under to sit together without paying additional fees.¹⁵ After two years of virtual silence from the DOT, in 2018 Consumer Reports filed a Freedom of Information Act request.¹⁶ After another year's delay, the DOT finally forwarded 136 consumer complaints to us, while stating publicly that it was unnecessary to take action—"based on the low number of complaints."¹⁷ We analyzed those complaints and were horrified to find they included cases involving children as young as 1, 2, and 3 years old assigned seats away from their parents; other children seated separately were autistic, suffered seizures, or were susceptible to life-threatening nut allergies.¹⁸

Seating children apart from their families also creates a disruption during an emergency evacuation, posing a threat to all passengers. Furthermore, a 2018 FBI report¹⁹ stated that inflight sexual assaults are on the rise, with children particularly vulnerable.

Shocked by the DOT's refusal to act, we established our own online portal and within weeks had received and forwarded in excess of 600 complaints, more than four times the DOT's original total. Many of the individuals who reached out to us were clear they did not know about the DOT's complaint system, and surely would have complained earlier if they were aware of it.

We continue to urge the DOT to fulfill its mandate to protect the safety of airline passengers by developing the sort of rule this committee envisioned in 2016. In the meantime, we are urging the major airlines to fix this themselves, and are joined by more than 114,000 individuals who signed a petition on the subject in just one week.²⁰ Last week, we wrote to American, Delta, and United reminding them how they can fix this consumer protection issue on their own and ensure that children sit with family members on planes. Furthermore, we also support H.R. 5292, the Fly Together Act,²¹ introduced by Rep. Ann Wagner and Rep. Anthony Brown, that would force DOT's hand, taking away its flexibility to decide if a rule is "appropriate" and requiring it to issue such a rule. We hope this issue can be addressed without further legislation, but appreciate the introduction of the bill nonetheless.

We also are concerned about other critical safety issues that have not been effectively addressed by the DOT and its component, the Federal Aviation Administration. These include:

- The FAA's lack of proper oversight of aircraft maintenance outsourcing to foreign repair stations, which echoes the well-documented debacle of the FAA's

¹⁴ "It's Official! Airline Fines Hit a Record Low in 2019," Christopher Elliot, January 3, 2020, chriselliotts.com/government-airline-fines-hit-record-low/.

¹⁵ Congress.gov; "FAA Extension, Safety, and Security Act of 2016," July 15, 2016, www.congress.gov/114/plaws/publ190/PLAW-114publ190.htm.

¹⁶ Consumer Reports, "Family Seating FOIA," September 23, 2019, advocacy.consumerreports.org/research/consumer-reports-letter-to-house-transportation-committee-dot-reply-to-family-seating-freedom-of-information-act-request/.

¹⁷ U.S. Department of Transportation, "DOT's Review of U.S. Airline Family Seating Policies," September 17, 2019, www.transportation.gov/individuals/aviation-consumer-protection/review-us-airline-family-seating-policies.

¹⁸ Consumer Reports, "Letter to Congress," September 23, 2019, advocacy.consumerreports.org/wp-content/uploads/2019/09/Family-seating-FOIA-CR-letter-to-House-TI-9-23-19-FINAL-4.pdf.

¹⁹ FBI, "Sexual Assault Onboard Aircraft," April 26, 2018, www.fbi.gov/news/stories/raising-awareness-about-sexual-assault-aboard-aircraft-042618.

²⁰ Consumer Reports, "Airlines: Kids Should Sit with Their Parents!," action.consumerreports.org/fees20200219petition_airlinefamilyseating.

²¹ www.congress.gov/bill/116th-congress/house-bill/5292/text.

oversight of the Boeing 737 MAX development. This is why we strongly support H.R. 5119, the Safe Aircraft Maintenance Standards Act.²²

- The FAA's emergency evacuation testing has failed to actively take into account seismic changes in air travel extending over the past two decades, including record-high passenger loads; tighter seats; larger passengers; increases in carry-on baggage due to checked bag fees; distracting electronics; the influx of oversized, untrained emotional support animals; and of course, children being seated apart from their families.²³
- The FAA's refusal to close a 67-year-old loophole and require children under 2 to be properly restrained on commercial flights.

At Consumer Reports we hear continually from passengers expressing frustration at not being heard by indifferent airline executives. In recent weeks, journalists and social media have highlighted raging battles over whether passengers can recline their seats when it crowds passengers sitting behind them.²⁴ While passengers fight with each other or with flight attendants, the real culprits are the airlines that intentionally make seats tighter.

In abdicating its critical role to protect and defend the rights of airline passengers, all too often the Department has taken steps that serve the best interests of the aviation industry, not the best interests of the flying public and taxpayers who fund the system. That's why it's imperative that Congress enact meaningful passenger rights protections and provide greater safety oversight. And we applaud the Aviation Subcommittee for its continuing efforts.

I will be happy to answer any questions you may have. Thank you very much.

Mr. LARSEN. Thank you.

I now want to recognize Mr. Lee Page of the Paralyzed Veterans of America. Mr. Page, you are recognized for 5 minutes.

Mr. PAGE. Thank you, Chairman Larsen, Ranking Member Graves, members of the subcommittee, Paralyzed Veterans of America—

Mr. LARSEN. Mr. Lee, I just want to be sure that we can hear you. Just pull the microphone or someone can help out and pull the whole box forward.

Mr. PAGE. Can you hear me now? OK.

Chairman Larsen, Ranking Member Graves, members of the subcommittee, Paralyzed Veterans of America thanks you for the opportunity to testify regarding air travel experience of passengers with disabilities.

It has been more than 30 years since Congress passed the Air Carrier Access Act. This law protects the civil rights of passengers with disabilities in air travel. Although it improved our experience, the process is far from seamless, and at times, is even unsafe. PVA members routinely report being physically harmed in boarding and deplaning aircraft and their wheelchairs, particularly power wheelchairs, are often damaged while being stored. They also often encounter air carrier personnel and contractors who are not appropriately trained in assisting passengers with catastrophic disability. We believe most problems result from lack of training, inaccessible aircraft, and inadequate enforcement of the law.

Commercial air travel is the only mode of public transportation in which a wheelchair or scooter user must surrender their assistive device in order to travel. Passengers must rely on air carrier personnel or contractors to properly store these devices, and help

²² www.congress.gov/bill/116th-congress/house-bill/5119.

²³ Consumer Reports, "Consumer Organizations Letter to DOT and FAA on Passenger Emergency Evacuation Tests," October 21, 2019, advocacy.consumerreports.org/research/consumer-organization-letter-to-dot-and-faa-on-passenger-emergency-evacuation-test/.

²⁴ *E.g.*, CNN.com, "Her Reclined Seat was Repeatedly Punched," February 29, 2020, www.cnn.com/2020/02/18/us/plane-passenger-reclined-seat-cnn/index.html.

them board and deplane the aircraft. For many wheelchair users, this is where the problems in safely accessing air travel truly begin.

Air carriers use several different types of aisle chairs to help passengers with disabilities board and deplane the aircraft. An aisle chair is a small narrow wheelchair that cannot be pushed by its passenger. Aisle chairs are often poorly designed and in disrepair. In some cases, the aisle chair can harm the passenger, because it does not have proper padding, which can lead to skin abrasions, bruises, or sores.

Furthermore, airline assistants are typically not properly trained in how to physically lift or transfer a person from a wheelchair to an aisle chair. They are also too often unfamiliar with the securement straps.

On my most recent flight, I had a problem with the aisle chair and the people who came to assist me. The aisle chair that was used did not meet my needs. The footrest was too small, and my feet kept falling off the aisle chair as I was being brought into and out of the plane. Also, the seat straps were not sufficient to keep me in a secure seated position. As a result, my hip and lower backside hit every armrest all the way back to my assigned seat. At my seat, the personnel tried to lift me up over the fixed armrest into my seat, but they were not strong enough and ended up dropping me on the armrest as I slid into the seat.

Passengers with limited mobility must also worry about the storage of their assistive devices. Damage to wheelchairs can be a trip-altering event, as well as pose significant health concerns for passengers who depend on it for mobility. Customized wheelchairs are not easily replaced if damaged.

Although my wheelchair is typically returned to me without significant damage, this is not always the case for some of our PVA members, particularly those who use power wheelchairs. Damage to assistive devices is typically a result of improper loading and securement within the cargo area of the aircraft. Damage ranges from minor tears to fabric upholstery to a complete electrical power breakdown, rendering the chair useless to operators. Repair often takes time, leaving the passenger stranded until it can be fixed.

Disability access is almost nonexistent on most commercial aircraft. The aisle width of the plane is typically smaller than that of the individual being transported on the aisle chair. This means the passengers are bumped and scraped from row to row to get to their seat, wherever that might be on the aircraft.

Lack of accessibility also extends to the lavatories on a vast majority of single-aisle aircraft. A January 2020 GAO report on the accessibility of U.S. aircraft lavatories for people who have limited mobility found that although accessible lavatories are available, carriers do not often choose to acquire them.

When passengers with disabilities encounter disability discrimination, they are left with few remedies. Administrative remedies available through the Department of Transportation are quite limited. In response to a complaint I filed following my most recent trip, I received 10,000 bonus miles from the carrier. Systematic change is what is needed, not more bonus miles.

Disability-related provisions included in the study on lavatory access in the FAA Reauthorization Act represents an important step forward in efforts to improve air travel experience for passengers with disabilities. However, these provisions alone will not address the fundamental access problems to safe air travel for people with disabilities. Thus, we strongly support the bipartisan Air Carrier Access Amendments Act, H.R. 1549, which was introduced in March 2019 by Representative Jim Langevin.

This legislation would greatly improve aircraft accessibility, and strengthen enforcement of Air Carrier Access Act. As the population ages, the need for greater accessibility in aircraft will only continue to grow. Better training of airline personnel and their contractors, increased aircraft accessibility, and improved enforcement options, will lead to safer travel experiences for PVA members and all passengers with disabilities.

PVA thanks you for the opportunity to express our views today. I will be happy to answer any questions at this time.

[Mr. Page's prepared statement follows:]

**Prepared Statement of Lee Page, Senior Associate Advocacy Director,
Paralyzed Veterans of America**

Chairman Larsen, Ranking Member Graves, and members of the Subcommittee, Paralyzed Veterans of America (PVA) thanks you for the opportunity to testify about the experience of air travel passengers with disabilities and opportunities for reform. PVA is a congressionally-chartered veterans services organization serving the needs of veterans with spinal cord injuries and disorders. Nearly all of our members require the use of some type of assistive device, including manual and power wheelchairs, scooters, and canes, to increase their mobility and function; thus, ensuring greater independence in the mainstream of society.

Over 30 years ago, President Ronald Reagan signed the Air Carrier Access Act (ACAA) into law. The ACAA, which prohibits disability-based discrimination in air travel, was the result of a U.S. Supreme Court decision in *Department of Transportation v. Paralyzed Veterans of America*, 477 U.S. 597 (1986). In this case, the Court held that air carriers were not subject to Section 504 of the Rehabilitation Act of 1973, as amended, unless they received direct federal financial assistance. Subsequently, PVA led the charge on Capitol Hill to pass protections that would finally end discrimination against people with disabilities in air travel.

Prior to passage of the ACAA, people with disabilities were routinely forced to travel with an attendant at their own expense, even if they did not need assistance to fly safely; required to sit on a blanket for fears that they might soil the passenger seat; or simply refused passage. The ACAA has provided passengers with disabilities improved consistency in air travel. Through this law, air carriers must provide passengers with disabilities the opportunity to preboard, if additional time or assistance is needed in boarding the aircraft; timely assistance in boarding and deplaning; proper stowage of assistive devices; and appropriate seating accommodations.

Although the ACAA led to improvements in the air travel experience for passengers with disabilities, the process is far from seamless and is, at times, dangerous. PVA members routinely report incurring bodily harm in boarding, deplaning aircraft, and their wheelchairs, particularly power wheelchairs, are often damaged while stowed. In addition, members have expressed difficulty in receiving appropriate seating accommodations on aircraft and often encounter air carrier personnel and contractors who are not appropriately trained in assisting passengers with catastrophic disabilities. As a result, some people with disabilities would rather drive long distances than risk personal injury or damage to their mobility devices.

Passengers with disabilities who encounter discrimination in air travel may file a complaint with the specific air carrier and U.S. Department of Transportation (DOT). In 2017, passengers filed 34,701 disability-related complaints as reported by 190 domestic and foreign air carriers, which represents a 6.5 percent increase over 2016. Top complaints with U.S. carriers for passengers with paraplegia or quadriplegia include failure to provide passenger assistance and appropriate seating ac-

commodations. In 2019, passengers filed 905 disability-related complaints directly with DOT.

We believe most problems for our members in air travel result from lack of training, inaccessible aircraft, and inadequate enforcement of the law. Commercial air travel is the only mode of public transportation in which a wheelchair or scooter user must surrender their assistive device in order to travel. These passengers must rely on air carrier personnel and contractors to properly stow their devices and help them board and deplane the aircraft. For many PVA members, this is where the problems in safely accessing air travel truly begin.

During the preboarding process, I travel to the bottom of the jetway in my customized wheelchair. It is on this sloped area that I transfer from my personal wheelchair into an aisle chair, which is a small, narrow wheelchair. This device has no means of self-propulsion. Some individuals are able to perform the transfer independently, others need the assistance of air carrier personnel. Air carriers use several different types of aisle chairs to assist passengers with mobility impairments during the boarding process. Often these aisle chairs are poorly designed and in disrepair. In some cases, the aisle chair can cause harm because it does not have proper padding, which can lead to skin abrasions, bruises, or sores.

The assistance from personnel in trying to coordinate the transfer and the slope of the jetway can make this a precarious procedure. In our experience, air carrier personnel and contractors are not properly trained on how to physically lift / transfer a person from a wheelchair to an aisle chair. They are also too often unfamiliar with the securement straps. Once securing the passenger, assistants must traverse the aisle chair backwards into the plane, down the narrow aisle, and then transfer the passenger from the aisle chair into the passenger seat.

Upon entering the plane, accessibility diminishes rapidly. The aisle width of the plane is typically smaller than that of the individual being transported on the aisle chair. This means that passengers are bumped and scraped from row to row to get to their seat, wherever that might be on the aircraft. Despite requirements for disbursed removable armrests to facilitate transfers, aircraft consistently have fixed arm rests in first and business classes of service, making the process more difficult.

On my most recent flight, in December 2019, I encountered a recurring problem with the aisle chair and the personnel who came to assist me. Specifically, when I was boarding and upon my return deplaning at the same airport, the aisle chair that was used did not accommodate my needs. The foot rest was too small and my feet kept falling off the aisle chair as I was being brought into and out of the airplane. Also, the seat straps were not sufficient to keep me in a secure seated position. As a result, my hip and lower backside hit every armrest all the way back to my assigned seat. At my seat, the personnel tried to lift me up over the fixed armrest and into my seat but they were not strong enough. This resulted in my being dropped onto the armrest as I slid into the seat.

People with disabilities are sometimes deplaned without the benefit of even an aisle chair or other mechanical device. In October 2019, a PVA member was hand-carried off of an airplane. Although there was no emergency requiring it, she was informed that allowing individuals to carry her off was the only way for her to deplane. She reluctantly agreed even though she expressed her discomfort with the process. While she was being carried from the aircraft, she was afraid that they would drop her and could feel the struggle of those attempting to assist her. Current regulations should have prevented her from enduring this treatment, but they did not.

Once I am preboarded, the rest of the passengers enter the plane. Those that are seated in my row, have to climb over me if I am seated in the middle or aisle seat. This causes further discomfort and aggravation to myself and others. Upon getting to my destination, the deplaning process is similar to the boarding process. I am the last person off the plane no matter if it is my connector city or final destination. Sometimes, the aisle chair is delayed.

In addition to the difficulties that passengers with limited mobility face in boarding the plane, they must also worry about the stowage of their assistive devices. Damage to a wheelchair can be a trip altering event as well as pose significant health concerns for the passenger who depends on it for mobility. Customized wheelchairs are not easily replaced if damaged.

Upon exiting the aircraft, air carrier personnel deliver my manual wheelchair to the bottom of the jetway where I transfer to it from the aisle chair. I am fortunate that my wheelchair is typically returned to me in the condition it was surrendered. Unfortunately, this is not the case for some of our members, particularly those who use power wheelchairs. Damage to assistive devices is typically a result of improper loading and securement within the cargo area of the aircraft. Damage ranges from minor tears in fabric upholstery to a complete electrical power break down ren-

dering the chair useless to the operator. The air carriers are responsible for the repair of broken wheelchairs, but repairs are not done immediately, leaving the passenger stranded until it can be fixed. Even if the individual is provided with a loaner wheelchair, it is not the same as the individual's customized wheelchair.

As part of the 2018 FAA Reauthorization Act (Public Law 115–254), large domestic air carriers are required to submit monthly reports on the number of wheelchairs and scooters they enplane and the number that are mishandled. In December 2019, reporting air carriers reported enplaning 65,345 wheelchairs and scooters and mishandling 1,001, a rate of 1.53 percent mishandled. For the entire calendar year of 2019, air carriers reported checking 685,792 wheelchairs and scooters and mishandling 10,548, a rate of 1.54 percent mishandled. Although the percentage of mishandled wheelchairs is low, those affected are completely disenfranchised from their daily lives until it has been repaired. They might be forced to miss work, school, social activities, medical appointments, or other activities of daily living.

Due to the many problems that can occur as part of boarding and deplaning an aircraft, PVA supported a requirement in Section 432 of the FAA Reauthorization Act for the U.S. Access Board to conduct a study to determine the feasibility of incabin wheelchair restraint systems. The Access Board is carrying out the study through the National Academy of Sciences' Transportation Research Board. PVA members Peter W. Axelson and Dr. Rory A. Cooper were appointed to the study committee. If the study determines that flying in a wheelchair is feasible, we call on Congress to mandate that DOT develop regulations implementing such a requirement in commercial air travel, which would bring air travel up to the standards found in other modes of public transportation.

In addition to problems with boarding and deplaning, aircraft have limited accessibility. At the end of a long flight, my first stop once I leave the jetway is the airport restroom. Once I board the aircraft, I lose the ability to use a restroom because the vast majority of single-aisle aircraft do not have one that is accessible. A January 2020 Government Accountability Office report on the accessibility of U.S. aircraft lavatories for people who have limited mobility found that although accessible lavatories are available, "carriers do not often choose to acquire them."¹

In 2016, DOT's Accessible Air Transportation (ACCESS) Advisory Committee conducted a negotiated rulemaking that addressed whether to require accessible lavatories on single-aisle aircraft of a certain size.² In order to assist the committee, PVA conducted a survey of disability stakeholders to determine what their expectations would be for an accessible lavatory on new single-aisle aircraft. The survey included seven questions and netted nearly 950 responses. One of the questions asked respondents whether or not the inability to use a lavatory was sufficient reason not to fly. With a 99 percent response rate, 67 percent of those responding said that the inability to access a lavatory would be reason enough for them to avoid air travel.

After six months of negotiations, the ACCESS Committee voted on October 14, 2016, to approve a set of terms that when fully implemented would require accessible lavatories on single-aisle aircraft with 125 Federal Aviation Administration (FAA) maximum certified passenger seats.³ Despite agreement of the committee members and DOT on a proposal that would ultimately require fully accessible lavatories on single-aisle aircraft, the Department has yet to move forward with publishing a notice of proposed rulemaking on such a requirement. This is extremely disappointing and a failure of the regulatory process if the agreement of the regulated entity and the beneficiary is not sufficient to propel forward a process that has already been decades in the making.

When passengers with disabilities encounter disability discrimination, they are left with few remedies. The administrative remedies available through DOT are quite limited. The Department can issue cease and desist orders. DOT can also levy civil penalties for ACAA violations; however, the largest financial penalty in recent

¹U.S. Gov't Accountability Off., GAO–20–258, Aviation Consumer Protection, Few U.S. Aircraft Have Lavatories Designed to Accommodate Passengers with Reduced Mobility 14 (2020), <https://www.gao.gov/products/gao-20-258>.

²Nondiscrimination on the Basis of Disability in Air Travel; Establishment of a Negotiated Rulemaking Committee, 81 Fed. Reg. 20,265, (Apr. 7, 2016) <https://www.federalregister.gov/documents/2016/04/07/2016-08062/nondiscrimination-on-the-basis-of-disability-in-air-travel-establishment-of-a-negotiated-rulemaking>.

³U.S. Department of Transportation, Resolution of the U.S. Department of Transportation Access Committee, Nov. 22, 2016, <https://www.transportation.gov/sites/dot.gov/files/docs/ACCESS%20Committee%20Final%20Resolution.11.21.16.pdf>.

years was in 2016 for \$2 million.⁴ That fine, much of which was credited to the carrier, was an anomaly.

Any remedy for the passenger must come from the carrier and is typically limited to bonus miles or gift cards. I filed a complaint with regard to the improper transfer that I encountered last December. The carrier determined that the ACAA was violated and provided me with 10,000 bonus miles. Systemic change is what is needed, not more miles.

The experience of our members and other passengers with disabilities in boarding and deplaning aircraft and the general inaccessibility of commercial passenger aircraft have compelled PVA to lead the charge to improve the air travel experience of veterans and all people with disabilities. We appreciated the opportunity to work with the House Transportation and Infrastructure Committee on the FAA Reauthorization Act of 2018. We also appreciated the opportunity to appear before the Subcommittee during last September's FAA oversight hearing to highlight the provisions related to the experience of passengers with disabilities in air travel.

The FAA Reauthorization of 2018 included 11 provisions focused solely on improving the air travel experience of passengers with disabilities. In addition to those already discussed, were provisions that will inform air travel passengers about their rights under the ACAA, improve the assistance they receive from air carriers, and establish formal lines of communication between the air travel industry, the disability community, and DOT to address barriers to air travel. As a result of these provisions, we are particularly pleased to note that PVA will be represented on the recently announced Air Carrier Access Act Advisory Committee required under Section 439.

One of the provisions in the FAA Reauthorization that we believe could address the systemic training problems is the requirement in Section 440 for the Secretary to perform a review, and as necessary, to revise the regulations governing timely, dignified, and effective assistance for passengers with disabilities. The Secretary was also required to determine whether the regulations governing training programs for assisting passengers, like paralyzed veterans, are sufficient and whether hands on training should be part of the required regular training regimen. We understand that the advisory committee will be reviewing this requirement and ask that the Subcommittee conduct appropriate oversight of this requirement to ensure that DOT takes the current training deficiencies seriously as they are a health and safety issue for PVA members and other passengers with disabilities.

The disability-related provisions in the FAA Reauthorization Act and the study on lavatory access also included in the law represent an important step forward in efforts to improve the air travel experience of passengers with disabilities. However, these provisions alone will not address the fundamental access problems to safe air travel for people with disabilities. Thus, we strongly support the bipartisan Air Carrier Access Amendments Act, H.R. 1549, which was introduced in March 2019 by Rep. Jim Langevin (D–RI). This legislation would greatly improve accessibility within aircraft and strengthen enforcement of the ACAA.

The Air Carrier Access Amendments Act would ensure new airplanes are designed to accommodate the needs of people with disabilities by requiring airlines to meet defined accessibility standards. These standards would address safe and effective boarding and deplaning, visually accessible announcements, seating accommodations, lavatories, and better stowage options for assistive devices. The legislation would also require removal of access barriers on existing airplanes to the extent that it is readily achievable—easily accomplishable and may be done without much difficulty or expense. We see no reason why these concepts, which are mainly drawn from the Americans with Disabilities Act (ADA), would not successfully translate to air travel.

Unlike the ADA, the ACAA does not impose specific physical access requirements for aircraft. Because of the ADA and other disability civil rights laws, other forms of mass transportation in the United States are accessible to people with disabilities, including those who use wheelchairs. Meanwhile, the interior of most commercial passenger aircraft are quite hostile to passengers who use wheelchairs. There is not an accessible path of travel to safely board and reach an airline seat; lavatories are inaccessible; and limited personal space typically means passengers crawling over their fellow passengers who are unable to stand up and move.

We believe that it is time for aircraft to accommodate the needs of passengers with disabilities, including those who use wheelchairs. It is one of the few areas of sanctioned discrimination against a minority group in transportation. As the population ages, the need for greater accessibility in aircraft will only continue to grow.

⁴U.S. Department of Transportation, United Airlines, Inc. Order 2016–1–3, <https://www.transportation.gov/airconsumer/eo-2016-1-3>.

All fare paying customers should be able to independently access aircraft without depending on unsafe, inefficient assistance. Only then will air travel truly be a viable option for all members of the flying public.

H.R. 1549 would also strengthen ACAA enforcement by requiring referral of certain passenger-filed complaints to the Department of Justice and establishment of a private right of action. The requirement for DOT to refer certain ACAA complaints to the Attorney General would appropriately recognize that the ACAA is not a customer service standard but a civil right. The Attorney General would then be able to pursue a civil action on behalf of a passenger.

Equally important, the law would establish the right of passengers with disabilities to seek relief in the courts for ACAA violations. Unlike laws governing access for people with disabilities in other forms of transportation, the ACAA does not explicitly allow people with disabilities to enforce their civil rights, if needed, in a court of law. Prior to 2001, some courts⁵ had held that the ACAA allowed for a private right of action. Following the U.S. Supreme Court's decision in *Alexander v. Sandoval*, 532 U.S. 275 (2001),⁶ however, the Second,⁷ Fifth,⁸ Ninth,⁹ Tenth,¹⁰ and Eleventh¹¹ U.S. Courts of Appeals have ruled that there is no private right of action under the ACAA. At its recent midyear meeting, the American Bar Association adopted a resolution supporting a private right of action under the ACAA.¹² We also believe that Congress must act to restore this right to paralyzed veterans and all passengers with disabilities.

The administrative remedies currently available provide little relief and have netted few in improvements in air travel for passengers with disabilities. Establishing a private right of action would institute additional remedies, without removing DOT's role in the administrative process. It would also provide relief directly to passengers with disabilities. Furthermore, the private right of action would allow for injunctive relief to foster policy changes that would allow passengers and airlines to partner together to make changes that would benefit all passengers with disabilities.

We believe that better training of airline personnel and their contractors, increased aircraft accessibility, and improved enforcement options will lead to safer travel experiences for passengers with disabilities. PVA members and other people with disabilities have waited long enough for true access to air travel. The future has arrived, and we know what the process can be like for passengers with disabilities. We simply need to have the will to do it.

PVA thanks you for this opportunity to express our views. We would be happy to answer any questions you may have.

Mr. LARSEN. Thank you, Mr. Page.

I want to now turn to Mr. Joe Leader, chief executive officer of the Airline Passenger Experience Association. You are recognized for 5 minutes.

Mr. LEADER. Thank you. Chairman Larsen, Ranking Member Graves, Chairman DeFazio, and members of the subcommittee, my name is Dr. Joe Leader, and I proudly have served since 2015 as the chief executive officer of the Airline Passenger Experience Association, APEX.

It is one of the largest international airline associations in the world. During my tenure as CEO, we came together with IFSA, the International Flight Services Association, giving us a combined his-

⁵The U.S. Courts of Appeals for the Fifth and Eighth Circuits had previously ruled that there is a private right of action under the ACAA. *Shinault v. American Airlines, Inc.*, 936 F.2d 796 (5th Cir. 1991) and *Tallarico v. Trans World Airlines, Inc.*, 881 F.2d 566 (8th Cir. 1989).

⁶In *Sandoval*, the Court held that a private right of action should not be implied absent obvious congressional intent.

⁷*Lopez v. Jet Blue Airways*, 662 F.3d 593 (2d Cir. 2011).

⁸*Stokes v. Southwest Airlines*, 887 F.3d 199 (5th Cir. 2018).

⁹*Segalman v. Southwest Airlines Company*, 895 F.3d 1219 (9th Cir. 2018).

¹⁰*Boswell v. Skywest Airlines, Inc.*, 361 F.3d 1263 (10th Cir. 2004).

¹¹*Love v. Delta Airlines*, 310 F.3d 1347 (11th Cir. 2002).

¹²Amanda Robert, Air Travelers Should Have a Private Right of Action if Discriminations Against, ABA House Says, ABA Journal, Feb. 17, 2020, <http://www.abajournal.com/news/article/resolution-106>.

tory of 96 years of proudly advancing every major airline and valued supplier worldwide.

I am before you today because I believe deeply in the advancement of airline passenger experience. Like each of you, I began my journey as an airline passenger. Twenty years ago, while working as a high-tech executive, I was featured in a magazine as an airline's most frequent flyer. As a part of that honor, I met with the airline CEO and shared with him a page-long list of ideas on how the airline could better serve its customers. They implemented nearly every single idea.

With that introduction, please allow me to address the subject of the airline passenger experience, what it is, and what it can be. APEX neutrally tracks, verifies, validates and certifies ratings for over 1 million flights per year across approximately 600 airlines globally, for the Official Airline Ratings^(TM) via TripIt, the leading travel management app worldwide. Only 1 in 17 airlines makes it to APEX Five Star status, while another 1 in 17 makes it to APEX Four Star status.

I am proud to share with you that the United States reached an incredible milestone last year as Alaska, American, Delta, Hawaiian, JetBlue, JXS, Southwest, Spirit, and United all reached either four or five stars, as independently rated by their airline passengers.

Spirit Airlines has proudly joined me here today at this hearing to share how their Invest in the Guest philosophy has improved their independently verified passenger ratings, thereby advancing themselves to an APEX 2020 Four Star airline.

In good news for all Americans, the inflation-adjusted cost of air travel has dropped by approximately 50 percent over the past two decades, keeping air travel costs lower than historic totals, even after including all ancillary revenue fees. From a dynamic market perspective, competition has driven U.S. airlines to offer more variety in types of airline passenger experience than ever before.

Innovation has enabled U.S. airlines to offer better options to their customers, including the disabled. To that end, APEX served a leading role on the U.S. Department of Transportation ACCESS Advisory Committee, advancing closed captioning and audible description options. Voluntarily, U.S. airlines have been placing these enhancements across new in-flight entertainment systems, both in seatback screens and in bring-your-own device options.

For better accessibility, manufacturers are creating better options for improved ease of access for wheelchair-bound passengers. This resonates personally for me with the Paralyzed Veterans of America testifying here today, as my wife personally served a quadriplegic before she became a medical doctor and surgeon, and my father proudly served in the U.S. Army, and flies frequently with my family using his wheelchair.

What does the future bring for U.S. airline passengers? Our customers will enjoy flights more than ever, with expanded entertainment and connectivity options. The number of aircraft with in-flight entertainment screens worldwide will continue to increase, while bring-your-own device options will surge to cover nearly all remaining commercial U.S. aircraft this decade.

As an example of innovation, each new screen installed by Delta weighs approximately 2 pounds less than its predecessor, saving millions of gallons of fuel despite more screen size for passengers. New technologies for our key airline suppliers will make future seatback screens nearly as thin and light as seatback hard plastic. Seating advancements have enabled passengers 2 to 3 inches more legroom than historic seats in existing space, as I have indicated in my written testimony.

U.S. airline ticket prices should continue to track lower than the rate of inflation, as airlines now burn 53.7 percent less fuel per passenger than the 1990s. This helps benefit our passengers, our airlines, and our world, with a carbon emission reduction averaging 2.3 percent less each and every year for the past decade alone.

Our U.S. airlines are voluntarily spending tens of billions of dollars enhancing airports to better serve their customers, including implementation of face-matching from the U.S. Department of Homeland Security that securely interlinks with their airlines without any transfer of photos. Other new technologies being deployed by our airlines are advancing to complete journey management, including ground transportation, automated bag tracking all along your journey and remembering your personal preferences.

This is only the beginning of—

Mr. LARSEN. Thank you, Mr. Leader. Thank you.

Mr. LEADER. I will be wrapping up, yes, Chairman.

Mr. LARSEN. You are wrapped up. Sorry. I got to move on.

Mr. LEADER. Of course.

[Mr. Leader's prepared statement follows:]

Prepared Statement of Joe Leader, Chief Executive Officer, Airline Passenger Experience Association

Chairman Larsen, Ranking Member Graves, and Members of the Subcommittee. My name is Dr. Joe Leader and I proudly have served since 2015 as the Chief Executive Officer of APEX, the Airline Passenger Experience Association, one of the largest international airline associations in the world. During my tenure as CEO, APEX came together with IFSA, the International Flight Services Association, giving us a combined history of 96 years of proudly advancing nearly every major airline and valued supplier worldwide.

I am before you today because I believe deeply in the advancement of airline passenger experience. Like each of you, I began my journey as an airline passenger. Twenty years ago, while working as a high-tech executive, I was featured in a magazine as an airline's most frequent flyer. As a part of that honor, I met with the airline CEO and shared with him a page-long list of ideas on how the airline could better serve its customers. They implemented nearly every single idea.

With that introduction, please allow me to address the subject of "The Airline Passenger Experience: What It Is and What It Can Be?" APEX neutrally tracks, verifies, validates, and certifies ratings for over 1 million flights across approximately 600 airlines globally for the Official Airline Ratings^(TM) via Triplt, the leading travel management app worldwide. Only 1 in 17 airlines makes it to APEX Five Star status while another 1 in 17 reaches APEX Four Star Status. I am proud to share that the United States reached an incredible milestone last year as Alaska, American, Delta, Hawaiian, JetBlue, JSX, Southwest, Spirit, and United all reached either Four or Five Stars status as independently rated by their passengers. Spirit Airlines has proudly joined me today at this hearing to share how their "invest in the guest" philosophy has improved their independently verified passenger ratings thereby advancing themselves to an APEX 2020 Four Star airline.

In good news for all Americans, the inflation-adjusted cost of air travel has dropped by approximately 50% over the past two decades^{1,2}—keeping air travel costs lower than historic totals even after including all ancillary revenue fees.³ From a dynamic market perspective, competition has driven US airlines to offer more variety in types of passenger experience than ever before⁴. Innovation has enabled US airlines to offer better options to their customers including the disabled⁵. To that end, APEX served a leading role in the US Department of Transportation’s ACCESS Advisory Committee advancing closed captioning and audible description options. Voluntarily, US airlines have been placing these enhancements across new in-flight entertainment systems in both seatback screens and bring-your-own device options. For better accessibility, manufacturers are creating better options for improved ease-of-access for wheelchair bound passengers.^{6,7} This resonates personally for me with the Paralyzed Veterans of America testifying here today as my wife personally served a quadriplegic before becoming a medical doctor and my father proudly served in the U.S. Army and flies frequently with my family using his wheelchair.

What does the future bring for US airline passengers? Our customers will enjoy flights more than ever with expanded entertainment and connectivity options. The number of aircraft with in-flight entertainment screens worldwide will continue to increase while “bring your own device” options will surge to cover nearly all remaining commercial US aircraft this decade^{8,9}. As an example of innovation, each new screen installed by Delta weighs approximately 2 pounds less than its predecessor saving millions of gallons of fuel despite even more screen size for passengers¹⁰. New technologies from our key airline suppliers will make future seatback screens nearly as thin and light as seatback hard plastic. New technologies from our key airline suppliers will make future seatback screens nearly as thin and light as seatback hard plastic. Seating advancements have enabled passengers 2 inches to 3 inches more legroom than historic seats in existing space.¹¹ US airline ticket prices should continue to track lower than the rate of inflation as airlines now burn 53.7% less fuel per passenger¹² than the 1990s. This helps benefit our passengers, our airlines, and our world with a carbon emissions reduction averaging 2.3% less each and every year for the past decade alone¹³. Our US airlines are voluntarily spending tens of billions of dollars enhancing airports to better serve their customers including implementation of face-matching from the US Department of Homeland Security that securely interlinks with our airlines without any transfer

¹Belobaba, P., Hernandez, K., Jenkins, J., Powell, R., & Swelbar, W. (2015). Productivity trends in the US passenger Airline Industry 1978–2010. *Transportation@MIT*, 1–24. Retrieved from https://transportation.mit.edu/sites/default/files/documents/MIT_Air_Passenger_Report.pdf

²IATA. (2019). Economic Performance of the Airline Industry. Retrieved from <https://www.iata.org/contentassets/36695cd211574052b3820044111b56de/airline-industry-economic-performance-dec19-report.pdf>.

³Hill, Catey (March 26, 2019). Marketwatch. “The uncomfortable reason you’re seeing dirt cheap airfares right now.” Retrieved from <https://www.marketwatch.com/story/the-uncomfortable-reason-youre-seeing-dirt-cheap-airfares-right-now-2019-03-26>.

⁴Kim, S., Kim, I., & Hyun, S. S. (2016). First-class in-flight services and advertising effectiveness: antecedents of customer-centric innovativeness and brand loyalty in the United States (US) airline industry. *Journal of Travel & Tourism Marketing*, 33(1), 118–140. DOI: <https://doi.org/10.1080/10548408.2015.1038420>.

⁵Most studies report complaints by disabled. This study shows a reduction in complaints by one airline, and other positive remarks alongside complaints. Major, W. L., & Hubbard, S. M. (2019). An examination of disability-related complaints in the United States commercial aviation sector. *Journal of Air Transport Management*, 78, 43–53. DOI: <https://doi.org/10.1016/j.jairtraman.2019.04.006>.

⁶The level of implementation is still low. See United States Government Accountability Office, GAO. (2020). Few U.S. Aircraft Have Lavatories Designed to Accommodate Passengers with Reduced Mobility. *Aviation Consumer Protection*. Retrieved from <https://www.gao.gov/assets/710/703687.pdf>.

⁷Taylor, Stephanie (February 12, 2020). APEX: “New Aircraft Lavatory Concept Is Accessible to Passengers in Wheelchairs.”

⁸Delta continues to invest in seatback screens rather than BYOD. Modolo, K. (n.d.). 3 ways Delta Flight Products is revolutionizing aircraft interiors. *Delta News Hub*. Retrieved from <https://news.delta.com/3-ways-delta-flight-products-revolutionizing-aircraft-interiors>.

⁹APEX *Experience Magazine* (April–May 2018).

¹⁰Delta Professional. (April 25, 2019). How Delta’s new wireless IFE tech helps cut emissions. Retrieved from <https://pro.delta.com/content/agency/in/en/news/news-archive/2019/april-2019/how-delta-s-new-wireless-ife-tech-helps-cut-emissions.html>.

¹¹Chartered Institute of Ergonomics & Human Factors (September 2019).

¹²IATA/ATAG Geneva Meeting (January 2020).

¹³IATA. (December 12, 2019). Carbon Emissions Per Passenger Decrease More Than 50% Since 1990. Retrieved from <https://www.iata.org/en/pressroom/pr/2019-12-12-01/>.

of photos¹⁴. Other new technologies being deployed by our airlines are advancing to complete journey management including ground transportation, automated bag tracking all along your journey^{15 16}, and remembering personal preferences for food and beverage ordering in-flight. This is only the beginning of a decade of advancing one-to-one airline customer service.

While I recognize that this merely scratches the surface of advancements, I look forward to your questions so that I may share innovations that our airlines and key suppliers are advancing to best service customers across the United States and around the world.

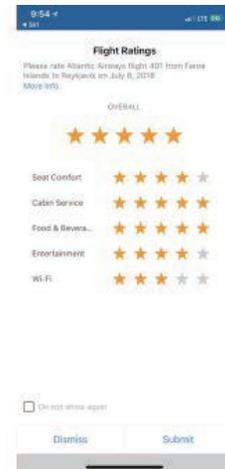
How Triplt are Captured Example: Spirit / United

- Triplt simply organizes all portions of a trip without ever competing directly with airlines as a booking channel; enables check-in via any airline
- Triplt groups the Spirit flight, hotel, restaurant, and United flights as a single trip
- Triplt allows everyone to rate flights, but APEX only accepts ratings that are validated, APEX verified, and certified by our outside auditor



Easily Rating Every Airline Example: Atlantic Airways

- Faroe Islands based airline using Airbus 319/320 aircraft made it as 2020 APEX Four Star Low-Cost Carrier in Official Airline Ratings
- Example here booked via third party booking service after Atlantic Airways website would not easily sell tickets to US resident
- Triplt picks up the itinerary sold via any channel and activates ratings upon landing



¹⁴ Abandoned. See Metz, R. & CNN Business. (December 5, 2019). Homeland Security drops plan to use facial recognition on traveling US citizens. CNN Business. Retrieved from <https://edition.cnn.com/2019/12/02/tech/homeland-security-facial-recognition-citizens-at-airports/index.html>.

¹⁵ Delta News Hub. (n.d.). Delta introduces innovative baggage tracking process. Retrieved from <https://news.delta.com/delta-introduces-innovative-baggage-tracking-process-0>.

¹⁶ IATA. (June 2, 2019). Resolution: RFID Baggage Tracking Set for Global Deployment. Retrieved from <https://www.iata.org/en/pressroom/pr/2019-06-02-05/>.

2020 OFFICIAL AIRLINE RATINGS WINNERS

*FOUR AND FIVE STAR RECIPIENTS OF THE 2020 OFFICIAL AIRLINE RATINGS™ (All Listed in Alphabetical Order)**FIVE STAR GLOBAL AIRLINES*

- Aeroflot
- Aeroméxico
- Air New Zealand
- American Airlines
- All Nippon Airways
- Asiana Airlines
- Cathay Pacific
- China Airlines
- Delta Air Lines
- Emirates
- EVA Air
- Japan Airlines
- KLM Royal Dutch Airlines
- Korean Air
- Lufthansa
- Qantas
- Qatar Airways
- Singapore Airlines
- SWISS International Air Lines
- Turkish Airlines
- Virgin Atlantic

FIVE STAR MAJOR AIRLINES

- Air Astana
- Air Tahiti Nui
- Alaska Airlines
- Avianca
- Bangkok Airways
- Copa Airlines
- Hawaiian Airlines
- JetBlue Airways
- Kuwait Airways
- Middle East Airlines
- Royal Brunei Airlines
- Virgin Australia
- Vistara

FIVE STAR REGIONAL AIRLINES

- Aeroméxico Connect
- JSX

FOUR STAR GLOBAL AIRLINES

- Aerolineas Argentinas
- Air France
- Air Italy
- British Airways
- China Southern Airlines
- El Al
- Etihad Airways
- Finnair
- LATAM Airlines Group
- LOT Polish Airlines
- Scandinavian Airlines (SAS)
- Thai Airways International
- United Airlines
- Vietnam Airlines

FOUR STAR MAJOR AIRLINES

- Aer Lingus
- Air Europa
- Austrian Airlines
- Caribbean Airlines
- Fiji Airways

- Gulf Air
- HiFly
- Icelandair
- Kenya Airways
- Malindo Air
- Oman Air
- Philippine Airlines
- SriLankan Airlines

FOUR STAR LOW-COST CARRIERS

- Atlantic Airways
- Citilink
- GoAir
- Interjet
- Norwegian
- Southwest Airlines
- Spirit Airlines
- WestJet

AND THE 2018 CRYSTAL CABIN AWARD WINNERS ARE ...

11 April, 2018 in *Industry* Written by Caroline Ku

APEX CEO Joe Leader was on the judging panel and also presented the IFEC award.



IFEC award winner: Bluebox aIFE: Accessible IFE for passengers with visual impairment—Bluebox Aviation Systems (cooperation partners Virgin Atlantic Airways & The Guide Dogs for the Blind Association)

ENTERTAINMENT FOR ALL! UNITED AIRLINES' NEW ACCESSIBLE INFLIGHT ENTERTAINMENT SYSTEM WINS CRYSTAL CABIN AWARD APRIL 04, 2019

CHICAGO, April 4, 2019 /PRNewswire/—At this year's annual Aircraft Interiors Expo in Hamburg, Germany, United Airlines was awarded the Crystal Cabin Award for Inflight Entertainment and Connectivity for its new onboard entertainment interface, which recently debuted on the airline's 787–10 Dreamliner fleet. The highly coveted award, which is the standard by which airlines, manufacturers, suppliers and design and engineering firms are judged, recognized the efforts of United and its partners at Panasonic Avionics to provide customers with what is the most accessible airline entertainment system in the world.

“Accessible and relevant inflight entertainment plays a major role in customers enjoying their flying experience and we wanted to create a system that all United customers could enjoy, including customers who have varying vision, hearing or mobility requirements,” said Toby Enqvist, senior vice president of customers at

United. “Together with Panasonic, we spent three years building a system that is truly inclusive, and we look forward to adding it to more aircraft soon.”

This new system offers the world’s most extensive suite of accessibility features on seatback entertainment, which accommodates any level of vision, as well as provides support for customers with hearing and mobility issues. These features include:

- Text-to-speech with reading granularity options
- Customizable voice volume, speed and pitch
- Explore by touch features including screen magnification, customizable text size, high contrast text options, color correction options and color inversion options
- Custom messaging tailored for customers with hearing disabilities
- Additional navigation options for mobility impaired passengers who are unable to swipe or use handset features

The system also provides the following enhancements that improve the overall experience for all customers:

- Split screen capabilities that allow customers to watch a movie and view the flight map simultaneously
- A relax mode that lets customers customize a selection of soothing videos and relaxing audio playlists
- Movie and television recommendations based on remaining flight time, previously watched content and movies and shows that have been added to a customer’s favorites list

NEW AIRCRAFT LAVATORY CONCEPT IS ACCESSIBLE TO PASSENGERS IN WHEELCHAIRS
12 February, 2020 in *Comfort* Written by Stephanie Taylor



Image via Acumen Design Associates.

Acumen Design Associates and ST Engineering have jointly developed ACCESS, which they describe as “the world’s first expanding aircraft lavatory,” to improve the flying experience on single-aisle aircraft for passengers with reduced mobility (PRMs). As narrow-body flight times grow in length, the need to make lavatories more easily accessible is imperative.

In certain countries, there’s currently no legislation regarding the availability of an accessible lavatory on narrow-body jets, but arguably, there’s more need for the facility than ever. With new aircraft types such as the Airbus A321XLR featuring a range of up to 4,700 nautical miles, narrow-body jets are now capable of flying longer, even transatlantic routes.

Daniel Clucas, senior designer at Acumen Design Associates (Acumen), said: “Many PRMs avoid flying because of the compromises they have to make—especially

when using the on-board lavatory. During our research, we heard first-hand how those who do fly will even avoid using the lavatory altogether if possible.”



Standard ACCESS footprint. Image via Acumen Design Associates



Expanded ACCESS lavatory footprint. Image via Acumen Design Associates

ACCESS has been designed for line-fit or retrofit on Boeing 737 and Airbus A321 aircraft with input from accessible aviation consultant and founder of Rocket Girl Coaching, Mary Doyle; campaigner, lobbyist and founder of Flying Disabled, Chris Wood; and entrepreneur and founder of easyTravelseat, Josh Wintersgill, among others.

During the research process, Doyle stated, “I believe there are four main things that can improve the onboard experience: more space, highly sanitized work surfaces, greatly improved physical supports for unassisted transfer and anti-slip floor-

ing. And whilst lavatories serve a functional need, I believe they should look beautiful too, in keeping with excellent customer experience.”

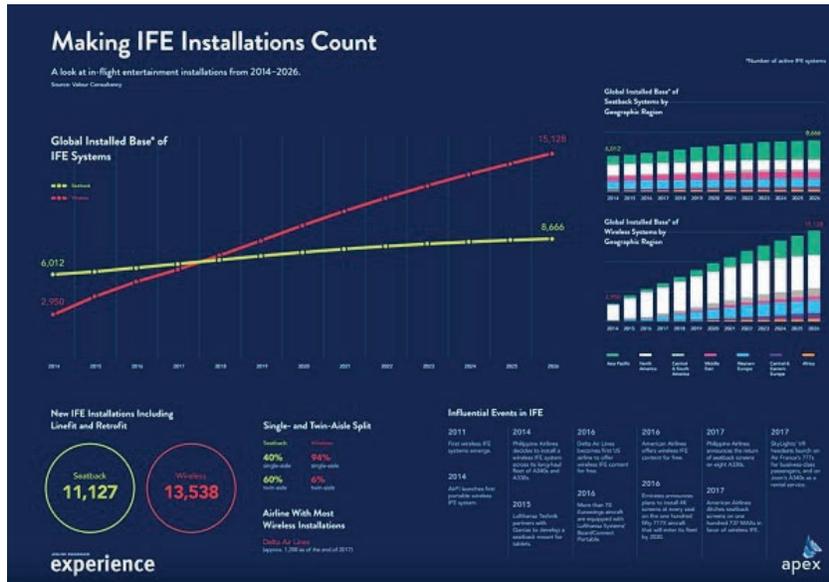
The resulting solution created by Acumen and ST Engineering uses a moving wall to offer PRMs 40% more space than a standard lavatory module.

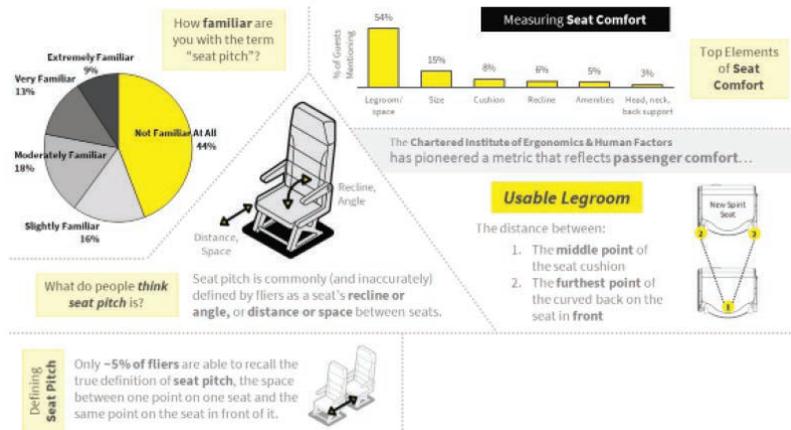
Clucas explained, “The standard lavatory is 33 inches wide with a 20-inch wide doorway. ACCESS fits into that footprint, so it doesn’t take up any additional cabin space, but in its expanded state is 51-inches wide, with an extra-wide entranceway of 24 inches.” This allows for passengers in a wheelchair to enter the lavatory independently, rather than having to be transferred behind a curtain. It also provides enough room for a carer or family member to enter the space, if necessary.

According to Clucas, the process of expanding or shrinking the lavatory, which is carried out by a crewmember, takes a matter of seconds using a latch on the outside wall of the lavatory and leaves enough room for people to move around in the galley.

The expanded lavatory opens into the entranceway in the aisle at the rear of the aircraft, and covers what Clucas refers to as “the assist space”—where a crewmember would stand in the event of an emergency. “In the same way business-class cabin doors have a back-up mechanism; we will need to prove there is an adequate fail-safe that can stow the lavatory away in the event of an emergency while it is in its expanded state,” he noted.

ACCESS builds on a previous product created by Acumen and ST Engineering, the ARC lavatory upgrade kit, which was shortlisted for a Crystal Cabin Award in 2019. Similar to ACCESS, the Zen-inspired Boeing 777 lavatory design featured “cutting-edge hygiene technologies—such as antimicrobial surface finishes, touchless faucet and flush mechanisms and under-floor membranes to remove odor—combined with floor-to-ceiling lighting and minimalist, curved architecture to create a striking interior,” Clucas said. ACCESS also includes features such as vertical, horizontal and fold-down grab bars and a lowered sink height.





Mr. LARSEN. Thank you very much.

I now want to recognize Mr. Klein for 5 minutes, Spirit Airlines.

Mr. KLEIN. Good morning, Chairman Larsen, Ranking Member Graves, Chairman DeFazio, and members of the Subcommittee on Aviation. Thank you for the opportunity to testify today. My name is Matt Klein. I am the chief commercial officer of Spirit Airlines.

Spirit Airlines is the largest ultra low-cost carrier, or ULCC, in the U.S. We serve over 50 U.S. domestic airports and 25 international destinations. Our total prices, including all ancillary products and services, are, on average, more than 30 percent below those of other airlines on our routes.

Corporate travelers and more affluent consumers have many choices in today's market. Spirit's product is designed for highly price-sensitive travelers, mainly ordinary individual consumers, families, and small and medium businesses who pay for their own tickets and who face narrower options. This continues to be an underserved segment in today's market, and we are proud to fill the need.

We are the fastest growing airline in the U.S. for the past 1, 3, 5 and 10 years, consistently running high load factors. So it seems American consumers are responding very favorably to the choice we provide in the market for air travel.

What may be less widely known are the tremendous strides Spirit has made in the past few years to become one of the most reliable airlines in the country. We ranked fourth nationally in on-time performance out of 10 reporting carriers in 2018, and based on unofficial statistics, in 2019 as well, beating out three out of the four big airlines and all the other low-cost carriers.

We also rank strongly on completion factor and on baggage handling. None of that is easy to do for a smaller airline, as we have less built-in redundancy and inherently greater challenges in recovering from unforeseen events.

We believe Spirit's combination of low prices and reliable service adds up to terrific value for our guests and we are seeing a positive

reaction from consumers, both in our satisfaction surveys as well as in our increasing customer repeat rate.

And it is not just about operational reliability. Over the past 3 years, Spirit rolled out a broad-based and ongoing initiative we call Invest in the Guest. That program comprises enhanced service training for our crews and other guest-facing personnel, as well as investments in technology, like enhanced airport kiosks, and our new self-bag drop machines that will help speed our guests through the check-in process at the airport.

We also recently announced a complete refresh of our interior cabins, featuring all new seating that provides significantly greater comfort, personal space, and usable legroom. Later this year, we will begin installing next-generation, full-streaming Wi-Fi across our fleet, the first ULCC to do so. I believe we are the only major U.S. carrier to have wheelchair accessible lavatories installed on most of our aircraft.

Spirit operates one of the newest and most fuel-efficient fleets in the Americas, ranking consistently as a leader in fuel consumption per passenger. All new aircraft coming into our growing fleet feature next-generation engines that burn about 16 percent less fuel than even the most recent generation, not just fuel efficiency, but also noise efficiency.

In addition to several other awards in the past 2 years, we are proud to have won Seattle's prestigious Fly Quiet Award for 2 years in a row.

In the U.S., the large distances, the dispersal of families across the country and the needs of our interconnected business environment all make air travel more essential than in other countries.

At Spirit, we recognize our products may not be for everyone; yet, we are very proud to offer low-price, reliable service to those who may have no other option. And with the strong discipline we exert on the prices charged by other airlines, we are also pleased to help drive savings for all travelers, whether they fly us or not.

Thank you, again, for the opportunity to speak with you today.
[Mr. Klein's prepared statement follows:]

**Prepared Statement of Matt Klein, Executive Vice President and Chief
Commercial Officer, Spirit Airlines, Inc.**

Good morning Chairman Larsen, Ranking Member Graves, and members of the Subcommittee on Aviation. Thank you for the opportunity to testify today. My name is Matt Klein. I am Chief Commercial Officer of Spirit Airlines.

Spirit Airlines is the largest so-called "Ultra Low-Cost Carrier," or ULCC, in the US. We serve over 50 US domestic airports and 25 international destinations. Our total prices including all ancillary products and services are, on average, more than 30% below those of other airlines on our routes. Corporate travelers and more affluent consumers have many choices in today's market. Spirit's product is designed for highly price-sensitive travelers, mainly ordinary individual consumers, families and small and medium businesses who pay for their own tickets and who face narrower options. This continues to be an underserved segment in today's market, and we are proud to fill the need. We are the fastest growing airline in the US for the past one, three, five and 10 years, consistently running high load factors, so it seems American consumers are responding very favorably to the choice we provide in the market for air travel.

What may be less widely known are the tremendous strides Spirit has made in the past few years to become one of the most reliable airlines in the country. We ranked fourth nationally in on-time performance (out of 10 reporting carriers) in

2018 and, based on unofficial statistics, in 2019 as well, beating out three out of the four big airlines and all the other low-cost carriers. We also rank strongly on completion factor (i.e., low cancellation rate) and on bag handling.

None of that is easy to do for a smaller airline, as we have less built-in redundancy and inherently greater challenges in recovering from unforeseen events. We believe Spirit's combination of low prices and reliable service adds up to terrific value for our Guests, and we are seeing a positive reaction from consumers, both in our satisfaction surveys as well as in our increasing customer repeat rate.

And it's not just about operational reliability. Over the past three years, Spirit rolled out a broad-based and ongoing initiative we call "Invest in the Guest." That program comprises enhanced service training for our crews and other Guest-facing personnel, as well as investments in technology like enhanced airport kiosks and our new self-bag drop machines that will help speed our Guests through the check-in process at the airport. We also recently announced a complete refresh of our interior cabins, featuring all-new seating that provides significantly greater comfort, personal space and usable legroom. Later this year, we will begin installing next-generation, full-streaming WiFi across our fleet, the first ULCC to do so. I believe we are the only major US carrier to have wheelchair-accessible lavatories installed on most of our aircraft.

Spirit operates one of the newest and most fuel-efficient fleets in the Americas, ranking consistently as a leader in fuel consumption per passenger. All new aircraft coming in to our growing fleet feature next-generation engines that burn about 16% less fuel than even the most recent generation. Not just fuel efficiency, but also noise efficiency: in addition to several other awards in the past two years, we are proud to have won Seattle's prestigious "Fly Quiet" award for two years in a row.

In the US, the large distances, the dispersal of families across the country and the needs of our interconnected business environment all make air travel more essential than in other countries. At Spirit, we recognize our product may not be for everyone. Yet, we are very proud to offer low-priced, reliable service to those who may have no other option and, with the strong discipline we exert on the prices charged by other airlines, we are also pleased to help drive savings for all travelers, whether they fly us or not.

Thank you again for the opportunity to speak today.

Mr. LARSEN. Thank you. Thank you, Mr. Klein.

As noted earlier, Ranking Member Graves is here, and I will recognize him for 5 minutes for his opening statement.

Mr. GRAVES OF LOUISIANA. Thank you, Mr. Chairman. Airline travel has truly revolutionized this planet, giving us access to areas that never were previously accessible, giving us integration and exposure to cultures, to people, to resources that we previously would not have had access to.

We have been able to deliver doctors and life-saving medicines to folks in need. We have been able to lift folks out of poverty. We have been able to introduce technology and innovation, improving lives around the world, as a result of aviation technology and commercial air travel. It really is amazing to sit and go through the exercise of thinking about potentially not having that amazing technology.

But also, right here in the United States, as I recall, in 2017, we had 841 million airline passengers. By 2038, that is projected to reach 1.28 billion passengers. The whole experience doesn't start when you get on the plane.

The experience actually starts well before that. We have three kids. I know going through the exercise of schlepping all the luggage, loading them up in the car, going perhaps to a remote parking spot, taking the shuttle, getting to the airport, trying to find the right gate, checking in your bags, trying to get through security, trying to get actually checked in on the plane, seated. And that whole experience, it is pretty intimidating. And I will say it again, when you have three kids that you are—I know I am sup-

posed to say in tow, but usually following, it is pretty intimidating and it is pretty overwhelming.

And so, I do think—it is 2020, and, Mr. Leader, or Dr. Leader, you talked about some of the technology that is out there today, and it really is amazing. It is fantastic the way tech has been integrated into airplanes in terms of the AV-type opportunities.

One of the home airports that I represent and share with Congressman Richmond, New Orleans Airport, they actually allow us to check bags at the parking lot, at the parking garage, which is fantastic, and not having to take them on the shuttle and everything else that we have to do.

But there are other areas where we can improve, where we can use technology to help improve that experience, because the cumulative experiences I hear from constituents all the time does need improvement. And looking at the statistics, the upward trend in passenger travel, it is going to become more challenging. It is going to get worse, not better, in terms of the volume, and we need to ensure that we are using technology that has a system that can actually accommodate or facilitate it and allow it to be a pleasurable experience.

In the United States, as you know, we have gone from eight major carriers down to four. It is interesting in that if I remember the numbers correctly, when you look at the complaints, when you look at the complaints about airline travel, as I recall, over half of them, over half of them are complaints concerning international carriers, not our domestic carriers.

Now, I haven't done the math or looked at the statistics, but I am going to guess that we have multiple times more folks flying on domestic carriers than we do international. And as we have seen in this committee across issues, there is a culture difference among international carriers versus domestic, and certainly something that we need to continue to focus on.

I also want to make note that in the FAA bill that we did in 2018, we had included over 40 different provisions related to consumer issues and passenger experience. As the chairman noted, perhaps there are a few that we need to continue focusing on and working together with everyone in this room to continue to improve the experience as best we can. But I do want to make note, everything from seat sizes to strollers, evacuation standards, involuntary bumping, oxygen masks, protecting pets on planes, and I believe a dozen different provisions, Mr. Page, related to passengers with disabilities.

So, certainly, progress has been made as the FAA works to implement those. But I will say it again, and I think the chairman noted, we certainly need to ensure that we continue to revisit this, this is an iterative process, and continue to improve the experience as much as we can.

Lastly, right now, obviously, one of the things on people's minds is coronavirus, and we need to make sure that we all continue to focus on this. Outbreaks in South Korea, Italy, Iran and other areas are infecting more new patients on a daily basis than are occurring in China. And if outbreaks can happen there, they can happen here. We need to work in a bipartisan manner, and ensure

that we focus on this particular issue, aviation travel, air travel, and ensure that we are making this experience as safe as possible.

With that, Mr. Chairman, I yield back and appreciate the opportunity to give an opening statement.

[Mr. Graves of Louisiana's prepared statement follows:]

Prepared Statement of Hon. Garret Graves, a Representative in Congress from the State of Louisiana, and Ranking Member, Subcommittee on Aviation

Air transportation has truly revolutionized the world, giving us access and exposure to many areas, people, cultures, and resources that were in many cases practically inaccessible before. Air transportation has allowed for the delivery of life saving medical care, the reduction of poverty, the introduction of technology and innovation, and other developments in areas that otherwise may not have experienced those benefits.

For passengers, the cumulative experience, as I often hear from my constituents, is that air travel does need to be improved. And as passenger levels continue to increase, this will become even more challenging. Here in the United States, we expect passenger volume to grow from 840 million people in 2017 to 1.28 billion in 2038.

The passenger experience doesn't begin when you board the plane—it begins well before that. It involves purchasing the tickets, getting to and parking at the airport, checking your luggage, going through security, finding your gate, getting seated on the plane, and then reversing the entire process once the flight lands. Especially when traveling with children, as I frequently do, it can be a challenging experience—and it's a challenge for those involved in working to improve the passenger experience.

Technology can help do that. At New Orleans Airport, for example, passengers may check their bags in the parking lot, which is incredibly helpful. There are more ways that policies and technologies can improve the passenger experience, and we need to identify them.

As we continue to consider the passenger experience in the U.S., we need to keep in mind that the number of major commercial carriers has been reduced from eight down to four, and approximately half of passenger complaints relate to international carriers and travel.

I also want to note that in the FAA Reauthorization Act of 2018, we included over 40 provisions addressing consumer issues and the passenger experience, everything from seat size to strollers, evacuation standards to involuntary bumping, and oxygen masks to protecting pets on planes—as well as a dozen provisions addressing the concerns of passengers with disabilities. DOT and FAA are in the process of implementing these provisions, and this subcommittee should ensure the law is being implemented properly while we examine what more may need to be done.

Finally, coronavirus is on the minds of many. Our subcommittee needs to focus in a bipartisan manner on the impacts that outbreaks have on air travel and how we can ensure that people stay as safe as possible.

Mr. LARSEN. Thank you.

I now want to move on to Member questions. Each Member will be recognized for 5 minutes, and I will start by recognizing myself.

I will start with Mr. Page. Last fall, during the subcommittee's recent roundtable on accessibility, you discussed PVA's collaboration with the administration on a recent rule to improve lavatory access in single-aisle aircraft. Can you give us your thoughts on the proposed rule and where we are on its development?

Mr. PAGE. Well, as you know, the Department put out the NPRM, and comments are going back in reference to that. Spirit testified they are an airline that most of their planes have Space-Flex 1, which is a lavatory at the end of the airplane, that a person in an aisle chair can actually traverse back and get into the lavatory, with assistance from the flight attendant.

You know, as GAO just mentioned, most of the airlines are not purchasing accessible lavatories, and Boeing and Airbus have a product on the market. So the real deal is, you know, when are they going to start buying those lavatories?

Mr. LARSEN. Mr. Leader, can you elaborate a little bit more on technological investments to improve accessibility?

Mr. LEADER. Certainly. Chairman Larsen, when it comes to restrooms, the Space-Flex option that Spirit has implemented was done on a voluntary basis. It is designed so that you can have two lavatories that actually become one, so it is more accessible for people that need the additional space and room. We have other new technologies that, as I have put in my written testimony, will enable airlines to actually use space that could not otherwise be used in the aircraft for a more accessible lavatory, by actually expanding the lavatory out.

As I have worked with our airlines across the U.S., this is a central area of concern, one in which I am very proud of what Spirit Airlines has done, as a market leader in this space, and one in which I think you will see all of our airlines more assertively doing as they do cabin redesigns and new orders from our friends at Airbus and Boeing.

There are more options than before. Our airlines care. And the big requirement—and this is what Space-Flex allows—is you have two lavatories for use for most of the passengers, because we do want to serve all passengers, but when it comes to serving our disabled passengers those two lavatories become one for greater ease of access. It is the perfect type of compromise that advances our industry.

Mr. LARSEN. Mr. Klein, you did note where Spirit is on lavatory accessibility. What kind of different—what level of investment was necessary to make that happen?

Mr. KLEIN. Well, we did go through a retrofit of—I would say at the time it was roughly half of our fleet went through a retrofit in order to put those accessible lavs into the aircraft. Now, every new delivery we take moving forward, which I think that project finished up about 2 years ago, and since then, every new delivery we have it is right there as it comes in.

If I may add one other piece to that, to what Dr. Leader mentioned, is we also have on our aircraft the widest aisles that you can possibly have on a single-aisle aircraft. It is important to us. We put certain types of seats in that create more width for the aisle as well, just to help address the issues that Mr. Page mentioned earlier.

Mr. LARSEN. And all of your planes are single-aisle?

Mr. KLEIN. Yes, that is correct.

Mr. LARSEN. Spirit is all single-aisle?

Mr. KLEIN. All single-aisle, that is correct.

Mr. LARSEN. Mr. Page, back to you on wheelchairs in the aisle and the design of the wheelchairs they use. I have never seen a wheelchair used that isn't sort of basically metal pipes with cushions and so on.

Is there some research going into looking into redesigning and using different materials so you have a lighter, stronger aisle wheelchair to help out with the folks in the disability community?

Mr. PAGE. You have got two products. You have got the aisle chair, which is what airlines and the airports use to get on the plane.

Mr. LARSEN. Yeah.

Mr. PAGE. And then you have the on-board wheelchair, which would take you back to the restroom, if needed. Access Board just put out an NPRM with the standards for the on-board wheelchair. There are no recent standards for the aisle chair. The aisle chair is what gets you on the plane, and that is the one that gives you trouble, as I described in my testimony, because, basically, my seat is 18 inches by 19 inches, and I am sitting on a 14-inch aisle seat. And the width of the aisle is narrow also.

So your question of standards, there are three or four different products that the airlines use. The Columbia is the most widely used across the industry, and there are a couple others that are used, but, you know, they are not specifically designed for someone with a permanent disability such as myself.

Mr. LARSEN. Thank you. I am going to turn now to Mr. Graves. You are recognized for 5 minutes.

Mr. GRAVES OF LOUISIANA. Thank you, Mr. Chairman.

Mr. Von Ah, I will ask you a question. In your testimony, you indicated that the number of denied boardings have decreased or gone down, including in 2018. However, Mr. McGee's testimony indicated a trend otherwise. Do you have any idea of the differences?

Mr. VON AH. Sure. No, absolutely. Thank you for the question. In 2019, it is correct that those numbers have gone up. For involuntary denied boardings, they have gone from about 11,000 or so in 2018 to, I think it was 21,000 or so in 2019. We looked into that data a little bit more carefully, and found that that is really all a result of two specific airlines. American and Southwest were responsible for all of those additional denied boardings involuntarily.

I might add that part of that might be in our work on denied boardings, some of the airlines warned us that because of some of the Boeing MAX issues, there may be an uptick in that number for this year. So that might be part of the explanation for that.

Mr. GRAVES OF LOUISIANA. And just very quickly in regard to that, as I recall, those two airlines that you noted are the two airlines that had the largest investment in the MAX fleet, I believe.

Mr. VON AH. That is correct.

Mr. GRAVES OF LOUISIANA. OK. So it is likely there is a direct correlation there?

Mr. VON AH. There is definitely—there is possibly a correlation, sure.

Mr. GRAVES OF LOUISIANA. Thank you.

Mr. Klein, do you have any idea, I am not sure if you all have kept statistics indicating the number of first-time air passengers that Spirit has accommodated? You lower the bar in terms of access to airline travel, right?

Mr. KLEIN. Absolutely. So it is a great question. We actually don't have specific statistics on knowing—we don't survey guests to say, is this the first time you have ever flown? What we do know is when we go into certain new cities, for example, when we entered Haiti, we knew there were a lot of people from south Florida

that were flying for the first time to places like Haiti, creating access for people in south Florida.

We know, for example—we just announced service yesterday from New Orleans to Honduras, San Pedro Sula. We know there are going to be people in New Orleans that are going to be taking their first flight when we start that service in June, for example.

So we don't know exactly what those statistics are. What we do know is when we go into new routes, we definitely attract new guests that are infrequent travelers as well. They may not have the opportunity to fly often.

And what we do is we go into new routes, we grow markets. We stimulate with low fares. On average, what we will do is grow markets in the whole industry. As we get competed with, we will grow markets by 30 percent and fares come down by 22 percent, on average, in the 12 months following our entry into service.

So we do know that we are driving new growth, and those are industry numbers. We act as a discipliner of sorts on fares for our competitors. They choose to compete with us. And when they choose to compete with us on price, the whole market grows.

And that can even happen in large routes as well, routes where people fly all the time, say New York metro area, Newark to Fort Lauderdale, very large market. We entered that in October of 2016. The market grew. From a large route, it almost doubled. It grew by 88 percent even though there was a lot of service in the market already. We seek out those kinds of underserved opportunities and create the travel opportunities for those that don't get to fly often.

Mr. GRAVES OF LOUISIANA. Thank you. Look, I can tell you, from one of our home airports in New Orleans, every time I walk in the Spirit area of the airport, it is absolutely the people that are there for tourism, that are there having a good time, in many cases, still out from the night before, but that is fine.

But it clearly—it appears, anyway, that it is opening up aviation access to folks that previously wouldn't have made that decision. You know, it is actually comparable in some cases, to, hey, should we drive here or should we fly to New Orleans? And it is fantastic to see that whole group, what I believe, just anecdotally, opening access to a whole group of travelers that previously wouldn't have chosen that option, or would have seen it being out of reach. So I certainly do appreciate that.

Dr. Leader, Mr. McGee, I mentioned that we had 40 changes to kind of addressing passenger issues in the FAA bill. Would you all like to comment on where you see sort of best opportunity for the experience as a result of some of the revisions in that bill, either of you, or both?

Mr. MCGEE. Certainly. One of the key provisions was the minimum seat standards, which we view not just as a comfort issue and as a value issue, but more important as a health issue due to deep vein thrombosis and as a safety issue due to evacuations.

I touched on in my opening remarks the evacuation issue. The testing that is being done by the FAA down in Oklahoma City right now is not sufficient. There is ample evidence that they are not reflecting real-world scenarios, and seats is a big part of that.

Mr. GRAVES OF LOUISIANA. Thank you.

Mr. LEADER. I will speak to that briefly. I agree that in Oklahoma City, the FAA tests are not what they could be, but in the opposite direction, they tend to use—my understanding is they are using older, full-size seats, not the slimline seats that are being utilized by airlines.

It really, from my perspective, is about serving total available space to passenger comfort. What I really like about some of the new seats that our airlines are doing instead of the thick Styrofoam that was a flotation device, it is now made of space-age materials that are designed to provide greater comfort in flight, and where knee space is becoming one of the areas of focus.

Mr. GRAVES OF LOUISIANA. Thank you very much. I appreciate your answer.

I yield back.

Ms. DAVIDS [presiding]. The gentleman yields back.

The Chair will now recognize the chairman of the full committee, Mr. DeFazio.

Mr. DEFAZIO. I thank the chair.

Mr. Von Ah, I just want to confirm this. It is 4.5 percent of the eight largest U.S. airlines fleet, single-aisle, have lavs that are accessible to people in wheelchairs. Is that the current figure?

Mr. VON AH. That is correct. That is what our data showed, yes.

Mr. DEFAZIO. All right. We have all these planes rolling off the assembly line, are sitting on the ground somewhere, all the MAX planes. Are you aware of whether or not they are ordering accessible lavs in those planes?

Mr. VON AH. I am not aware that they are doing that, sir. And, in fact, none of the Boeing planes—none of the fleet of Boeing planes have the accessible lavs that Boeing offers when we looked at it.

Mr. DEFAZIO. So, Mr. Klein, how much more expensive is it to have—I don't know, you might not want to give me an exact figure—but to have an accessible lav like you are getting from Airbus on your new planes?

Mr. KLEIN. Yeah. Chairman DeFazio, I don't know the exact answer to that question. There is some expense involved with that, but I don't—we can get that number for you.

Mr. DEFAZIO. And you don't lose seating capacity with these new lavs?

Mr. KLEIN. We do not. That is correct.

Mr. DEFAZIO. So I wonder what the resistance is?

Mr. KLEIN. I don't think it is smart for me to speculate on what other airlines may be choosing for their product.

Mr. DEFAZIO. Right. Yeah. This might be something that warrants more of a mandate. Because, I mean, we are losing opportunity when you are making a new plane and there are things that could go in it. For instance, secondary barriers, which we mandated in the bill, which are not going into the new planes because of DOT dragging its feet, and now what we are hearing about accessible lavs.

Mr. Page, have you ever flown Spirit? Have you experienced their accessible lav?

Mr. PAGE. Truthfully, I have not flown Spirit before, but I have seen the accessible lav in 2016 during the ACCESS Advisory Committee.

Mr. DEFAZIO. Do you think it is suitable?

Mr. PAGE. It works very well. For a person who is on an aisle chair with the assistance of a flight attendant, you can get in.

As Dr. Leader described, it is two bathrooms side by side. They split the foldable wall that opens up, and so you actually have two sinks and two lavatories. And it is big enough to close the door and be in there on the aisle chair, so it works.

Mr. DEFAZIO. All right.

Mr. McGee, you referenced the emergency evacuation. Again, the tests that are being conducted, why do you think they are inadequate? I mean, what are the inadequacies in those tests?

Mr. MCGEE. Well, from the experts at the FAA that we have spoken to, real-world testing hasn't really been done in an effective way by the FAA in about 20 years, because they have relied on computer modeling.

And so the testing, as you noted, Mr. Chairman, in your remarks, involves a truncated section of a fuselage. It is not even an entire aircraft. It doesn't reflect these seismic changes that have taken place over the last 20 years.

Load factors are a good 20 points up on average since the late 1990s. Americans are larger. There are more disabled on board. There are more carry-ons due to the checked baggage fees. There are more distractions from electronics. There is this issue with the animals, the support animals that in some cases are oversized or not trained.

You combine all this together, and then you add the issue that we raised earlier about families traveling together where children are separated from their parents, you put that all together, and then you have an emergency evacuation. And we can't stress it enough, an American Airlines survey of its own passengers last year found that 87 percent of people flying on American flew less than once a year. So they are just not familiar with this.

It is just a bad recipe all around, all of these factors combined.

Mr. DEFAZIO. What do you think we could do about the issue of—I mean, flight attendants, say, inform you, don't get your carry-on bags. But we had the Chicago incident, and the flight attendant gave up trying to stop someone because they figured it was taking longer to get the bag away from him. What can we do about that?

Mr. MCGEE. We think that the FAA needs to enhance the in-flight briefings. It is an issue that just hasn't been stressed enough. It is life and death. And there is ample photographic evidence of real-world accidents in which people are going down slides with carry-ons and laptops.

Mr. DEFAZIO. Do you think maybe we should impose—it should be emphasized, and also a penalty should be mentioned?

Mr. MCGEE. It is something that certainly needs to be considered by the FAA, yeah.

Mr. DEFAZIO. Right. How about some way to lock on approach and takeoff the overhead bins? It seems like it wouldn't be too difficult for the manufacturers to come up with an electronic locking system.

Mr. MCGEE. I have spoken to some experts about that. A few of them expressed concerns about emergency equipment that might be in overhead bins. Like, it can obviously be—

Mr. DEFAZIO. Well, you can leave that one off.

Mr. MCGEE. Right. Exactly. It can obviously be moved. It is an excuse that can easily be addressed.

Mr. DEFAZIO. All right. OK. Thank you. I see my time has expired.

Ms. DAVIDS. The gentleman yields back.

The Chair now recognizes the gentleman from Ohio, Mr. Balderson.

Mr. BALDERSON. Thank you, Madam Chair.

And thank you all, panel, for being here today.

I want to kind of switch gears a little bit. My first question is for Mr. Klein.

Last month, this committee held a hearing on the future of America's aviation maintenance and manufacturing workforce. It is no secret that our aviation airlines industries are facing a major labor shortage that is expected to grow in the coming years. Industry forecasts show that North America will need over 200,000 civilian pilots, and almost as many maintenance technicians over the next 20 years.

On February 5, 2020, United Airlines announced an expansion of their Aviate pilot program and signed a purchase agreement to become the only major U.S. carrier to own a flight training academy.

Can you discuss any recent actions from Spirit Airlines that would invest in education and workforce development?

Mr. KLEIN. Yes. We have done some investment in this. We have what is called flow through agreements with some regional carriers where pilots go through, they get their flight hours, they become pilots at regional carriers, and then come to Spirit Airlines after a period of time.

Additionally, we have just used—and this is on behalf of the Spirit Foundation, which is a nonprofit arm of Spirit Airlines—we are investing in what I would call education centers and facilities that do pilot training and also do mechanics training, technician training. And we are doing that for two reasons. One is to make sure the pipeline continues to grow. The second is we think it is extremely important that we have a more diverse workforce in both the pilot ranks as well as the technician ranks.

So we are also investing in places that promote both female and minority training for those individuals that want to join the aviation industry. We think it is an important part that can help diversify the workforce at the same time.

Mr. BALDERSON. OK. My second question, also to Mr. Klein, but if anyone on the panel would like to jump in and give their thoughts, please do so.

If the workforce shortage in the aviation space is not addressed, whether it is with air traffic controllers, maintenance technicians and engineers, or pilots, what consequences will we see for consumers?

Mr. KLEIN. Well, certainly it is very important to have highly skilled professionals as part of the workforce. It is hard for me to speculate about the future because right now we are not having

issues with recruitment or training and retention of the professionals that you are speaking of. It is hard to speculate about the future.

I would just assume that, if we start to have those kinds of issues, you will see the free market work, where salaries or things of that nature would become more important for those individuals, and you will see that kind of demand drive more people entering that part of the workforce.

Mr. BALDERSON. OK. Thank you very much.

Would anybody else like to add?

Mr. McGee.

Mr. MCGEE. Yes. Thank you.

For about 15 years now at Consumer Reports we have been investigating and advocating about aircraft maintenance outsourcing by U.S. airlines, much of it outside the country to foreign repair stations. We have advocated it as a safety issue from a consumer perspective, not from a labor perspective, but the two issues are intertwined because we have decimated an entire generation of mechanics here in the United States, because the work has been shipped overseas for much lower salaries.

And that is something you just can't get back overnight. Younger people coming out of the military, coming out of school, looking for careers who once found a very good career in airline maintenance are not finding it now.

Mr. BALDERSON. OK.

Would anybody else like to?

Mr. Leader.

Mr. LEADER. Yes. I would like to speak on that briefly, Congressman Balderson.

From my perspective, we are seeing the right balancing occur. When the FAA mandated higher number of hours for pilots, we saw it suddenly drive more pilots to get more experience at smaller airlines or part 135 operators, and then they are actively seeking to move up through the airlines.

When it comes to maintenance, I have been at maintenance facilities across our airlines, it is a very sought-after job and one that I believe will continue to grow. The economics of continuously outsourcing labor to aircraft that are primarily based in the United States does not make economic sense given the cost to ferry aircraft elsewhere.

I think you will see a strong, growing base here in the U.S. and one that our airlines are investing in independently. And from APEX—so we have the IFSA Foundation, which last year surpassed over \$1 million given out in educational scholarships to help advance their industry forward.

Mr. BALDERSON. Thank you very much.

Mr. Klein, you leaned forward.

Mr. KLEIN. I was just going to add to what Dr. Leader just mentioned, is we do some outsourcing of some of that work, but we do it in Puerto Rico. It is the decision we made to help support the Territory there. And we are using a highly skilled, highly trained professional organization there, and we are doing it—so we do have a small ferry cost to get the aircraft to Puerto Rico. We felt that

was a good investment for the Territory to continue to do that work there.

Mr. BALDERSON. OK. Thank you all very much.

Madam Chair, I yield back.

Ms. DAVIDS. The gentleman yields back.

The Chair now recognizes the gentleman from Tennessee, Mr. Cohen.

Mr. COHEN. Thank you, Madam Chair.

Discontent among airline travelers has been increasing, and it is for a good reason. While airlines are experiencing record profitability and executive salaries are getting larger and larger, the flying public is being squeezed like sardines in shrinking seats, charged unreasonable amounts of money due to an increase in new ancillary fees, and faced with fewer choices as competition decreases.

When it comes to unreasonable airline fees, the airlines have gone beyond imaginable levels. In 2018, fees for checked baggage and reservation changes amounted to a record \$7.6 billion. That was \$4.9 billion for checked baggage and \$2.7 billion for reservation changes. Even worse, some airlines have recently increased these fees.

The flying public is exasperated, and so are many members of this committee, and I am.

As passenger levels continue to grow in the years ahead, it is imperative that we work as a committee to ensure that airline policies and practices are transparent and reasonable, not erode public consumer protection.

Mr. McGee, you discussed the proliferation of these fees in your testimony. In your opinion, wouldn't you say the fees that we have gotten used to, like checked baggage and ticket changes, are growing, and how is that factoring into the consumer experience?

Mr. MCGEE. It has had a very negative impact for many consumers, and we don't think that the DOT complaint system is capturing that discontent.

At Consumer Reports, we have the advantage of surveys with tens of thousands of readers, and when we ask them about airline service, which we do every year or two, the top of the list of complaints is fees, particularly baggage fees. It is not just that there are existing fees, but that the existing fees keep increasing, as was noted earlier. Just this month, United and JetBlue raised their fees.

Mr. COHEN. And that is the reason why Senator Markey asked me to introduce a bill in the House, which I was proud to do, H.R. 5195, with Chuy García from Illinois, and other transportation colleagues. That would be the FAIR Fees Act.

This bill would prohibit the charging of fees, including cancellation, change, and bag fees, that are—it would require those fees to be reasonable and proportional to the cost of the services. They can still charge them, but they would have to be reasonable and proportional.

Mr. Klein, Spirit Airlines is quite upfront about the fact that it relies on ancillary fees as part of its business model. That being said, the pricing of some of these fees is confounding. A recent

search for bag fees found costs more than doubled depending on time and place of purchase.

What is the rationale for charging variable baggage fees depending on when a traveler buys their ticket?

Mr. KLEIN. Congressman Cohen, as you mentioned, our business model highly relies on ancillary revenue. We are not shy about talking about that.

What we do in our business model is make sure that we reduce the base fares. So the fares are reduced. Other airlines don't necessarily do that, that you are mentioning. What we do is bring the fares down so that customers that don't need to check bags or don't need to have a specific seat assignment have the ability to fly that may not otherwise be able to fly.

Mr. COHEN. And I understand that, and I appreciate it, but my question is, why do you charge more depending on when a traveler buys a ticket? You have got the same luggage space. You have got the same luggage. Why do you charge more if they buy their ticket at a different time?

Mr. KLEIN. Certainly. So what we want to make sure we do is encourage people to think about when they are making their purchase decision. We want them to get that discount by assigning the bag fee to their record when they buy their ticket upfront.

The standard price is if you just add your bag to your record whenever you want to. We want to give people a discount for adding that bag to their record at time of purchase.

Mr. COHEN. How does that affect your airline? You have got a certain space for baggage. It is not going to increase or decrease depending on when that person brings their bag and puts it on the plane. Shouldn't it be the same fee because it is the same amount of service you have to give them for that baggage space?

Mr. KLEIN. Well, the answer to your question is no. We disagree with that. We think it is better to give people a discount for adding their bag fee upfront, because if they do that and can think about how they are thinking of their overall—to Mr. McGee's point, we want people to get the best upfront price they can and—

Mr. COHEN. I have limited time, and I appreciate it.

Mr. McGee, he called on you. Do you agree with his analysis?

Mr. MCGEE. No, we don't. We believe that with the fee situation with the airlines, there are two problems. That is why we supported your legislation.

One is the transparency. Consumers are confused by the fees. These are pages from the Spirit and United websites. You can't always determine the cost of a bag until you enter specific flight information.

The other issue beyond transparency is that many of the fees are quite arbitrary. As was pointed out here, in 2017, when Chairman DeFazio asked United and American what is the costs internally of changing a ticket, and the executives were deer in the headlights. They couldn't answer it.

Mr. COHEN. Thank you very much.

And with Spirit Airlines, get a flight from Memphis to New Orleans. Thank you.

Mr. KLEIN. Thank you, sir.

Ms. DAVIDS. The gentleman yields back.

The gentleman from Florida, Mr. Spano, is now recognized.

Mr. SPANO. Thank you, Madam Chair. I appreciate it.

I wanted to talk about an issue that is on a lot of Members' minds. The ranking member referenced it just a moment ago during his opening comments with respect to the COVID-19 virus.

On Sunday, the first two cases of COVID-19 were diagnosed in Florida, one of which was in Hillsborough County, Hillsborough County being part of the congressional district that I happen to represent, which is Florida 15. It spans much of the area between Tampa and Orlando. And so most, if not all, of my constituents, when they fly somewhere, they will fly out of Tampa or Orlando International Airports.

The airport I primarily use, Tampa International, announced that they have taken several steps to prevent the spread of the virus at the airport. And so those steps include increased cleaning and sanitation of high-touch areas, providing extra hand sanitizer in key areas, reminding travelers and employees to practice good hygiene, and so forth and so on.

A few questions related to the specific issue. Number one, if I may, I want to ask the panel, have you seen any similar actions at airports across the country, and, if so, what are those actions?

Anybody can respond.

Mr. LEADER. I can speak to this. APEX provided guidance to all of our airlines, not just in the U.S., but worldwide on nine key steps that they need to be taking now.

I want to stress to Members of Congress and to members of the public, it is completely safe to fly right now. We have gone through this now and had different instances of people flying on aircraft. There has not been traceable transmission on aircraft to this date.

We believe that will continue to be the case, because there is vertical air circulation through HEPA filters that are 99.97 to 99.99 percent effective onboard aircraft.

With that said, the steps that we have outlined to airlines are clearly communicating to passengers and to staff the safety steps the airline is taking; broader waivers for changes and cancellations, which we are proud that several airlines in the U.S. have taken; enhancing customer contact details and traceability should we need to be able to have that on board; flight crew awareness on how to act in this instance.

We have dealt with tougher situations—for example, with Ebola—which created much more significant aircraft incidents. We haven't had those yet, but they are prepared. Aircraft decontamination procedures, having a flight aircraft decontamination and procedures in place, for example, on door handles of restrooms and other high-touch surfaces.

And then most importantly, to your point, Congressman, working with airports and Government authorities to make sure that we are prepared, as Tampa has done, to have a cleaner environment on the airport side, because the TSA security area is a very high-touch area that needs to be very closely maintained during this thing.

And then enhancing the ability for airline employees and supplier staff to call in sick as needed so that we never have someone

come on board the aircraft or to work that might be spreading COVID-19.

Mr. SPANO. All right. Thank you, Mr. Leader.

Anybody else?

Mr. Von Ah.

Mr. VON AH. Congressman, I would just mention, in our work we found that all of the airports that we looked at—this was back a few years ago—had individual plans in place for dealing with situations like this.

Some of the challenges we noted in executing those plans related to coordination and communication—communication from Federal agencies in terms of what they should be doing, what the real threat was, what the real issue was, and communication amongst contractors and others in the airport area to make sure that everybody knows what they should be doing.

I would also mention that we don't really have a national plan for the aviation system. This is a recommendation we still have open for DOT.

Mr. SPANO. My next question was going to be, what, if any, recommendations do you have as far as what we can do to support the airports? So that goes to that question.

Any other suggestions on what we might be able to do in our purview to help assist the industry as a whole at airports specifically?

Mr. McGee.

Mr. MCGEE. Yes, Congressman. We have been looking at the websites of most of the major U.S. carriers, and to their credit many of them have very large notices on the home pages about the coronavirus, particularly on international routes where they have canceled flights.

But we have seen this before with other force majeure events, natural disasters, et cetera, that we think that communication could increase. For those that are not directly affected yet—in other words, if you are planning a trip and you are uncertain—the communication from the airlines could be much better. It is not sufficient.

Mr. SPANO. Anyone else want to speak to that?

Mr. LEADER. I think that what we should do from a U.S. Government perspective to further enhance traveler safety is working with the TSA to make sure that we have—following Tampa's example, I would love to see the TSA have hand sanitizer available for passengers at stations, to have Lysol, you know, the fact that my phone is placed where people's shoes go in a TSA bin. It would be wonderful to have, during this time in particular, additional steps taken by the U.S. Government.

Mr. SPANO. Thank you, Mr. Leader.

I yield back.

Ms. DAVIDS. The gentleman from Arizona, Mr. Stanton, is recognized.

Mr. STANTON. Thank you very much, Chairwoman.

As has been discussed by several of our witnesses today, air travel for those with disabilities poses a number of unique challenges. More often than not, it could be a very stressful experience. And in some instances those with disabilities choose not to fly rather

than deal with the obstacles that exist from the curb to the aircraft and beyond. However, for some, avoiding air travel altogether simply isn't a viable option, and we must do more to improve accessibility for those with disabilities.

Mr. Page, in your testimony, you discussed many of these challenges, from inaccessible restrooms, to injuries during the boarding process, to lost or damaged mobility aids. You also discussed the need for proper training for those assisting passengers with disabilities, particularly when boarding and deplaning an aircraft.

One area, though, that hasn't been discussed much that I would like to explore is what happens to passengers with disabilities in the event of an emergency? For those with disabilities, exiting an aircraft in the best of circumstances is a challenge, but in an emergency it may be virtually impossible, especially considering current aircraft design and airplane training procedures.

Currently regulations require that all passengers be able to evacuate the aircraft within 90 seconds with half of the exits blocked. Yet when the FAA ran evacuation tests between November 2019 and January of this year to evaluate the relationship between seat spacing and evacuation times, those tests did not include people with disabilities.

This not only concerns me, but also raises questions about the accuracy of these tests and how reflective they are of the flying public.

I understand that passengers with disabilities should receive a safety briefing from the flight crew, the goal of which is to provide greater awareness of their accessibility needs, yet I am concerned that this briefing rarely happens. In the case of my outstanding legislative director, Tracee Sutton, she indicates to me that briefing has never happened when she flies.

Additionally, it is not clear to me what procedures are in place to assist those who are not able to evacuate on their own in an emergency.

So, Mr. Page, can you share your thoughts on the FAA's choice to not include people with disabilities in its evacuation tests?

Mr. PAGE. OK. Thank you.

Yeah, that is disappointing, that they are not included in the tests. To kind of echo your thoughts, for me, being a person with permanent disability, when it comes to boarding and deplaning, I am first on and last off.

I have had the evacuation briefing from flight attendants on occasion but not on a full-time, regular basis. But in that briefing the emergency evacuation process was explained to me as basically I would be dragged out of the plane by sitting on the floor and taken out the best they can. The definition of "timed escape" is not really defined to me by the flight attendant at that time.

Mr. STANTON. I am equally disappointed. It is clear that the required training procedures for professional staff in the airline industry need to be improved.

I want to turn to our friends at Spirit Airlines. You talked about some of the improvements you made, and I really appreciate those improvements. However, according to the DOT, your airline ranked 13th out of 17 U.S. carriers for mishandled wheelchairs and scoot-

ers last year. So I wanted to hear directly from you what steps you are taking to improve your ranking in this important regard.

Mr. KLEIN. Yes. It is something, Congressman, that we know we had to improve upon. We have improved upon that. I am happy to say, although there is a lot of work we can still do, for the first 2 months of this year our complaints are down 45 percent year over year as it relates to disability-related complaints overall.

As it relates to the securing and the delay of bringing the assistive devices back to the guests, we are down 29 percent on that number as well.

So we do agree there is work to do. This is a topic that is extremely important to us and one that we feel passionate about. We know there is more we can do, and we are basically doing that just with better training, quite frankly. It is better training and making sure that we are saying the right things and making sure that the training is being followed through upon.

Mr. STANTON. You have an opportunity for your airline in particular to be a market leader in this area and maybe work with your staff to make sure that the necessary security protocols are followed for all passengers, including especially passengers that happen to have disabilities. Obviously it is lacking, based on my analysis, and that is an area that needs great improvement.

Mr. KLEIN. Yeah, it is disappointing to hear this information. And I can't speak specifically. I wasn't prepared to speak to that today. But we will definitely take that away and make sure it is not something that we are lacking on. This is extremely important.

Mr. STANTON. Thanks so much. Thank you.

Mr. KLEIN. Yes.

Mr. STANTON. I yield back.

Ms. DAVIDS. The gentleman yields back.

The gentleman from New York, Mr. Katko, is now recognized.

Mr. KATKO. Thank you, Madam Chair.

And thank you all for being here today. As I was sitting here listening to some of the testimony and reflecting about my many, many years of traveling, I can't help but think that, from the time I started traveling and flying until today, it is a vastly different experience, and it is nowhere near as pleasant and nowhere near as comfortable. And I am not the tallest guy in the world, but I am 6'3", and it is hard for me to fit in the seats in a lot of airlines. You can't even move in them. And there is no headrest. You can't even put your head back, because there is nothing there.

So it is not as pleasant an experience for me, so I am kind of curious. If I have time, I am going to drill down on some of those experiences.

But, Mr. Von Ah, I want to ask you quickly. Consumer complaints between 2008 and 2017 increased. Is that because airline service deteriorated, or is it because consumers are more aware of their ability to file complaints with the DOT?

Mr. VON AH. It is hard to pinpoint the exact reason why, Congressman. I think there are a number of factors that play into why and how a consumer will complain.

What we have noticed is that they did increase about 10 percent over that period relative to the number of boardings, but passenger complaints, they stay relatively static to DOT. They sort of get the

same kinds of complaints in the same kinds of categories from year to year.

What we noted in our testimony and what we found in some of our work is that we have seen notable increases in complaints related to disabilities, as well as some spikes in discrimination complaints.

Mr. KATKO. Thank you.

Mr. McGee, Consumer Reports, first of all, I love the organization. I think they serve a great job for the public. And I don't think I have ever bought a car without looking at Consumer Reports. So thank you for that. I appreciate that.

Mr. MCGEE. Thank you, Congressman.

Mr. KATKO. And especially having teenage boys now who are driving, I am always trying to make sure I get a car that keeps them safe. So thank you for that.

There is a disparity between your complaint numbers and those of DOT. Can you explain why that may be? Or what is your take on that?

Mr. MCGEE. Certainly. I think the best microcosm for that is the issue I raised earlier of families traveling together. When we submitted a Freedom of Information Act request to the DOT to find out complaints about families who had been separated from young children on flights, they forwarded us 136 complaints over about 2 to 3 years.

We then put a portal on consumerreports.org asking people to let us know, and we would forward those complaints to the DOT, and we received more than 400. We are up to 600 now, just within weeks.

So to us, that clearly underscores that the DOT complaint system is insufficient. Most consumers don't get off a flight after a bad experience and say, "Honey, we need to contact the DOT." They are not aware of it.

In the European Union, for example, there is signage all throughout European airports letting you know how and when you can complain, both to the EU and to the airlines, and we strongly suggest that the DOT needs to do more to let people know that the complaint system is there.

Mr. KATKO. Let's talk about that for a minute.

And, Mr. Von Ah, I want to give you an opportunity to talk about that.

I don't know if it is DOT's role or not, but it can only help the industry do better. And I know a lot of times I get—I fly American all the time, and they do a wonderful job about asking questions all the time. And I have those little certificates. When someone does a good job on the airplane, I give it—I turn one in for them, and that is great.

But how can we do something along the European model? And what would you suggest it look like? I am not sure it should come from DOT, but if it does, what would it look like, and what would you suggest?

Mr. VON AH. Well, before I get to that question, Congressman, I just wanted to mention, I think DOT, they will tell consumers to go to the airlines first with complaints, because that is the way

that a consumer is going to get more immediate resolution of that complaint.

When DOT is looking at complaints, they are looking for something that is pervasive, it is repeating, it is happening over and over again, that is more broad, that has a broader consumer impact.

So that is just one notice to why they would not see as many complaints as Consumer Reports might get, for example, or the airlines themselves, as we have pointed out, or DOT has actually reported that airlines get maybe 50 complaints for every 1 complaint that DOT gets.

In terms of the DOT publicizing or making it known how to complain, they have made some improvements to their website, so consumers do have a little bit better idea of what rights they have available to them and how to complain. But that is on their website. You have to go to their website to see it. That is not something that is available in airports.

Mr. KATKO. Yeah, but I don't think people would know it, if you are flying, necessarily know, I am going to go to the DOT website and voice my complaint.

Mr. VON AH. That is correct.

Mr. KATKO. Mr. McGee, what do you think that would look like if we tried to set something up? What would you suggest on how we do it?

And I don't think it is such a bad thing, because I think airlines want to be good and want to provide good service, and they generally do. I understand the competitiveness and why you have to have smaller seat space and all the other things. I got it. But what can we do to help them be more conscious of the complaints out there?

Mr. MCGEE. Well, Mr. Von Ah's point is a good one in that the DOT does suggest that consumers go to the airlines to fix things. They are not in the European model where they will step in and try and redress grievances.

But the more serious problem from our perspective is that the DOT has stated to us repeatedly that they work on issues based on complaints. So when we said we had 136 complaints from families with autistic children and children with allergies and all kinds of serious problems, who in their right mind would say that those 136 complaints are less than 10,000 complaints about scuffed baggage?

So they need to have perspective on complaints. Some of the most serious complaints are low in numbers, and yet they said specifically they would not act on the families traveling together issue because, quote, "the numbers were too low."

Mr. KATKO. Yeah. We have got to figure out a way. Maybe in a separate submission, if you have ideas what that would look like, maybe we can figure out something. I think having a more healthy discussion on the concerns, and maybe people knowing where to go if there is a concern, now airlines can see what the concerns are, and all airlines can access, and all Americans. I think it might be better to have that transparency.

Mr. MCGEE. We would be happy to assist.

Mr. KATKO. I thank you.

I yield back.

Ms. DAVIDS. Thank you. The gentleman yields back.

The Chair now recognizes the gentleman from California, Mr. Carbajal.

Mr. CARBAJAL. Thank you, Madam Chair.

Mr. Von Ah, in your written testimony, you discuss the growing number of complaints from passengers alleging racial discrimination. Can you elaborate on this topic? And to your knowledge what are some of the steps airlines are taking to address this important issue?

Mr. VON AH. Thank you for the question, Congressman.

Those complaints, when we have looked at them, the discrimination-based complaints are typically about racial discrimination. Some of the things that we have noted in our reports are things where it may be a misunderstanding or there is always a push and pull between the pilot's ability to remove a passenger for safety reasons, but they are not allowed to discriminate, and so there may be just misunderstandings about what is going on with that.

But we didn't really get into pinpointing exactly the cause of some of those complaints. So it is hard to comment exactly on what the airlines are doing.

Mr. CARBAJAL. That is a little disconcerting. If we don't know, is there a way to step up our ability to dive into that a little bit further?

Mr. VON AH. So DOT does follow up on every one of these complaints. In particular, discrimination complaints are one of those categories that they do pay close attention to and forward to the airlines. So that is one way that they are addressing the issue.

Mr. CARBAJAL. Thank you.

You also touched on increased barriers that passengers with disabilities face. I found it notable that you mentioned that the number of complaints filed by people in wheelchairs may not fully reflect the inconvenience experienced by these passengers.

Why do you believe there is an underreporting from this particular group?

Mr. VON AH. Yeah. Thank you for that question.

There are a number of reasons why. First and foremost, there is no requirement that these rest—we looked at lavatories specifically. There is no requirement from DOT that lavatories be accessible to persons with disabilities. And so they may not have an expectation that they can complain, because it is not a requirement. So that is one reason why.

I think that some of the things that we also heard are people take extreme measures to not have to use the lavatory in the first place. So if they are not using it, they are not going to necessarily complain about the lack of accessibility in that lavatory.

And then, as was noted I think in some previous discussion, people just choose not to fly.

Mr. CARBAJAL. Thank you.

Mr. Page, I coming to you. From the perspective of Paralyzed Veterans of America, would you have anything else to add?

Mr. PAGE. I am sorry. Say it again.

Mr. CARBAJAL. Do you have anything else to add?

Mr. PAGE. Yeah, I was just getting ready to echo what he said.

Yeah, in reference to a lot of our members, they dehydrate themselves the day before when it comes to flying, because we know that there is no access to the lavatory on the plane currently, because it is just not accessible.

And in reference to complaints, back to DOT, I echo what Mr. McGee said. PVA has started to file a lot of complaints, and so we have gotten some action from DOT on a lot of different issues. But it was a row to hoe that we built over there trying to get some response from the Department on a lot of different issues.

So, yeah, definitely there is a lot of work left to be done, for sure.

Mr. CARBAJAL. Thank you.

Madam Chair, I yield back.

Ms. DAVIDS. The gentleman yields back.

The gentlewoman from the District of Columbia, Ms. Norton, is now recognized for 5 minutes.

Ms. NORTON. Thank you very much.

Mr. McGee, I noted in your testimony that you raised an issue that has been of special interest to me and to this committee itself. You reference on page 6 of your testimony a 2018 FBI report that stated—and here I am quoting you—“that in-flight sexual assaults are on the rise, with children particularly vulnerable.”

You go on to say that you were shocked—I must tell you we were as well—by DOT’s refusal to act. So you did it yourself. And within weeks you said you had in excess of 600—I am quoting you again—600 complaints, more than four times the DOT’s original total.

I have a bill called the AWARE Act, it has a Republican cosponsor, that would require the Justice Department to report this data. And I will note that a similar bill has passed this committee. It is the chairman’s bill, I am an original cosponsor, that would require that sexual assaults be measured on airlines and then made public. That bill passed this committee in November.

So my question to you, particularly given your testimony, Mr. McGee, is, how many of the 600 complaints that you quoted in your testimony that you handle dealt with sexual assault in particular?

Mr. MCGEE. Many of them, ma’am, raised the issue. We did not have an actual case cited to us, but repeatedly we heard from parents and caregivers that they were concerned about it. In some cases, they got off the plane. They said: If my child is not going to be sitting near me, we are not going to take this flight.

And, conversely, we hadn’t thought about this, but we heard from the business travel community, and we heard that many corporate travelers don’t want the responsibility of sitting next to a young child—we are talking 5, 6, 7, 8—who is not their own. They don’t want to take on the responsibility.

Ms. NORTON. They don’t want that responsibility?

Mr. MCGEE. They don’t want the responsibility to have to ensure the child’s welfare, with oxygen masks, with evacuations.

And so the FBI report is chilling reading. And when we had that in mind, when we read through these complaints, we saw parent after parent say: What are the airlines thinking? How could you possibly—you might as well be an unaccompanied minor. The airlines have very strict policies on unaccompanied minors. They don’t allow children under a certain age to travel as unaccompanied minors. They give them special attention.

For all intents and purposes, if I am the parent and I am in row 12 and my 6-year-old is in row 18, that child is an unaccompanied minor.

And so that is why we were shocked that the DOT doesn't take this more seriously enough to act. Again, not all complaints are created equal. You can't compare the threat of a child being assaulted to damaged luggage.

Ms. NORTON. Here, on the one hand, we are talking about children who are completely defenseless, don't know what to do, and we don't know how many are adults as well. And this is, as I say, it has shocked this committee, so that there is a bill that should be going to the floor soon.

Could I ask you as well, Mr. McGee, have you found any difference in the quality of customer service between the regional airlines and the legacy airlines?

Mr. MCGEE. Well, we have found that, when we talk about the legacy airlines, many of their flights, up to 50 percent of departures on a given day, are in fact operated, they are subserviced, they are outsourced to regional carriers that the passenger doesn't book with. And so we have written about this and advocated about this at length over the years.

There are two sets of rules. There are safety issues that in some measure have been addressed after the crash in Buffalo of Colgan Air, but there are also customer service issues. There are different standards.

The bottom line is you are buying a ticket on United, American, Delta, but you are flying on an aircraft that is not operated by United, American, or Delta.

And so, from an FAA perspective, there could be different standards in terms of safety, in terms of maintenance, in terms of pilot training. And, from a customer service standard, there can be differences—

Ms. NORTON. Do you think legislation is needed on that?

Mr. MCGEE. Absolutely. We have advocated for years that there needs to be tighter control of regional carriers operating on behalf of major carriers. And we find repeatedly that many passengers have no idea they bought a ticket on airline A and they are flying on airline B.

Ms. NORTON. So simply knowing would help—

Mr. MCGEE. Absolutely.

Ms. NORTON [continuing]. Who is actually flying you.

Thank you very much. I will look into that.

Mr. MCGEE. We would be happy to assist you, ma'am.

Ms. NORTON. Thank you.

Ms. DAVIDS. The gentleman from Georgia, Mr. Johnson, is now recognized for 5 minutes.

Mr. JOHNSON OF GEORGIA. Thank you.

Mr. McGee, when the Trump administration came to power there was a Department of Transportation Aviation Consumer Protection Advisory Committee that was in place that was by law to meet quarterly.

Did that quarterly meeting schedule change once the Trump administration came to power?

Mr. MCGEE. Yes, Congressman, it did. For the first 2 years there were no meetings. They were finally reinstated in 2019. I participated in one on behalf of Consumer Reports last year. It has continued, but it has been infrequent since then.

Mr. JOHNSON OF GEORGIA. So it has not been holding the quarterly meetings that are required by law?

Mr. MCGEE. That is correct. It has not been quarterly, no.

Mr. JOHNSON OF GEORGIA. And now the Department of Transportation appointed someone as its consumer representative, I think you testified to earlier, someone from the American Enterprise Institute?

Mr. MCGEE. Yes. And that individual has no career record of ever having advocated on behalf of consumers. So we were rather shocked by that.

This is a committee with several members, and traditionally under other administrations that role was filled by someone with a robust history of advocating for consumers. This person does not.

Mr. JOHNSON OF GEORGIA. Well, now, how has this appointment impacted consumer access to a satisfactory passenger experience on airlines?

Mr. MCGEE. Well, it has many effects, and we, as consumer advocates, we work with colleagues outside of Consumer Reports, with many other consumer organizations that advocate on behalf of airline passengers, and we treat those meetings very seriously. We look forward to them, and we have very robust agendas.

And now we go in, and we feel that we are not being heard in the same way. We don't have someone on the inside of that committee advocating for passengers the way that we believe there should be.

Mr. JOHNSON OF GEORGIA. Thank you.

Mr. Von Ah, GAO's testimony to date describes the growing number of complaints each year from passengers alleging racial discrimination. Can you describe what airlines are doing to address racial discrimination in air travel?

Mr. VON AH. So thank you for that question, Congressman.

Our work looked at the training that airlines have provided for nondiscrimination. I would just mention that we didn't get specific information about those airline trainings. I would note that that training, it was hard to understand exactly who got the training, how often they have got it.

And we did note that in some of the leading practices that we developed in terms of nondiscrimination training, some of those trainings did not include a number of the things that we would consider to be best practices, things like implicit bias training, ensuring there is a robust discussion amongst the people in an interactive training environment.

Mr. JOHNSON OF GEORGIA. Have you seen the Department of Transportation make any significant efforts to address racial discrimination in air travel?

Mr. VON AH. They do take that issue very seriously, and they do follow up on those complaints. However, that kind of training that I just mentioned is not required by DOT, although airlines do have that kind of training. But they don't require it.

Mr. JOHNSON OF GEORGIA. Thank you.

Mr. Klein, your company uses arbitration clauses in your contracts with airline consumers, correct?

Mr. KLEIN. Yes. That is correct, sir.

Mr. JOHNSON OF GEORGIA. And that is because it is more efficient and cost effective for the company to force people into arbitration than it would be to allow them to file lawsuits in court against the company. Is that correct?

Mr. KLEIN. So we do get lawsuits in court all the time, sir.

Mr. JOHNSON OF GEORGIA. But it is more cost efficient for the airline when you can divert cases away from court into the arbitration process, correct?

Mr. KLEIN. So, sir, in our case we have many more court cases that take place than actual arbitrations.

Mr. JOHNSON OF GEORGIA. No, no, no. That is not my question. My question is, it is more cost efficient for the airline to divert cases to arbitration than it is to allow cases to proceed to litigation in court. Isn't that correct?

Mr. KLEIN. Sir, that may be accurate. I can't speak to the full accuracy of that at this time.

Mr. JOHNSON OF GEORGIA. Well, otherwise, you would not do it. You are low-cost, ultra low-cost airline, you are looking to cut corners as much as you can, and people taking you to court is just more expensive than arbitration. I mean, that is a simple equation, isn't it?

Mr. CANFIELD. Congressman, I am general counsel of Spirit, so maybe I am better suited to answer this, the question.

Mr. JOHNSON OF GEORGIA. I know you know the answer to the question, then.

Mr. CANFIELD. We do provide some context for arbitration. Many consumer businesses do. It is an attempt to achieve better consistency of results.

Mr. JOHNSON OF GEORGIA. And it is cheaper for the airline, isn't it?

Mr. CANFIELD. I am sorry, sir?

Mr. JOHNSON OF GEORGIA. It is cheaper for the airline to divert customers into arbitration than it is to allow them to proceed with litigation. That is the question. And is that true, or is that false?

Mr. CANFIELD. I really can't say, because I don't—

Mr. JOHNSON OF GEORGIA. All right.

Ms. DAVIDS. The gentleman's time has expired.

Mr. CANFIELD [continuing]. Know if we have enough arbitrations to make a statement one way or the other.

Mr. JOHNSON OF GEORGIA. Thank you.

Ms. DAVIDS. The gentleman from Maryland, Mr. Brown, is now recognized for 5 minutes.

Mr. BROWN. Thank you, Madam Chair.

I have a statement and not a question, but I will preface by thanking each of you for being here today in this hearing on airline passenger experience.

In 2018, the GAO found that airlines' operation performance generally is improved from 2008 through 2017 as measured by the Department of Transportation data on denied boardings, mishandled baggage, and late and canceled or diverted flights. This is due in

part to the airlines making investments in technology, airport infrastructure improvements, and expanding flight operations.

However, there is always room for improvement, especially regarding safety. I think that a passenger's experience includes even the unexpected, unscheduled, and unfortunate series of events that occur during emergencies.

In November of 2019, this committee held a roundtable on the air traveler experience for persons with disabilities. The roundtable highlighted safety concerns regarding seat size and passenger evacuation. Federal aviation regulations require that the design of an airliner must permit all passengers to evacuate the aircraft within 90 seconds with half of the exits blocked.

Recent accidents have raised concerns about whether all passengers can, in fact, evacuate an airliner in 90 seconds, and I believe the chairman of the full committee alluded to that. The example of this is an uncontained engine failure and fire that occurred in Chicago in 2016.

I am concerned that current standards do not take into account passengers with disabilities. Aircraft manufacturers like Boeing and Airbus are responsible for successfully demonstrating to the FAA that each aircraft design meets this bar. But FAA standards, like seat size and aisle width, that have not been updated in 20 years, make it extremely difficult for passengers with disabilities to evacuate.

In November of 2019, the FAA started tests aimed at setting a minimum standard for seats and the space between rows to ensure safety. However, there was no indication that the volunteers being used for the tests encompassed all demographics and legal requirements.

We must ensure that the FAA considers all groups of people when testing cabin evacuations to ensure the safety and consumer experience of the passenger.

So I want to thank you, Madam Chair, for the opportunity to put this statement in the record, and I yield back the balance of my time.

Ms. DAVIDS. The gentleman yields back.

The gentleman from Massachusetts, Mr. Lynch, is now recognized.

Mr. LYNCH. Thank you very much, Madam Chair, for holding this hearing.

And I want to thank our witnesses for helping the committee with its work.

So Members of Congress are frequent flyers. I had a flight on Monday down here. I got the 6 a.m. shuttle down from Boston. And maybe it is because it was the 6 o'clock shuttle, but half the plane was empty. Yet because of the seating assignment protocol—and I am thinking about the coronavirus here—because of the seating assignment protocol, the first dozen rows are all jam packed with people cheek by jowl, shoulder to shoulder on that flight, and then the back of the plane was completely empty.

So even though the assurances that you have given, Mr. Leader, about the HEPA filter and all of that, certainly having everybody jammed in with each other while the rest of the plane is empty is probably not a good practice.

So, Mr. Klein, you run an airline. Will this take an act of Congress to change the seating protocol so that people aren't piled up when there are half-empty planes? Is that something that you can take on yourself without being directed to do so?

Mr. KLEIN. In a way, Congressman Lynch, we don't frequently deal with half-empty planes, so our planes are full.

Mr. LYNCH. You are lucky, yeah. But, if this thing goes a year, and HHS is saying we could be dealing with this for a year, you are going to see—a lot of airlines are going to see half-empty planes.

Mr. KLEIN. So you bring up an excellent question and an excellent point and one that, frankly, we are not dealing with today yet. Planes continue to run full, and it is hard for me to comment on that, but it is a good point—

Mr. LYNCH. OK. I don't want to waste all my time on this. It is probably indicative of the problem we have here. This is a very heavily regulated industry. All I am saying is it should be simple, it shouldn't be hard.

Mr. KLEIN. There are some places where—

Mr. LYNCH. I know there is a loading issue.

Mr. KLEIN. Correct. There is a weight and balance issue as well, so that is the—

Mr. LYNCH. I don't want to waste all my time on this.

Mr. KLEIN. OK. Fair enough.

Mr. LYNCH. I think it should be easily fixed, and I will deal with the other airlines individually.

The other issue that we are dealing with is—so the CDC is actually asking for information from the airlines. OK, so you get a passenger who is on a flight, they fly to their destination, they get off. You know, 3, 4 days later, they test positive for coronavirus.

So now the CDC is trying to get the information from the airline, from the flight manifest, the PNR, the passenger name record, usually has a phone number and an email, so they can tell the passenger that was sitting next to the person that tested positive: Hey, you have been in contact with—direct contact with someone who has tested positive recently for coronavirus.

So we are having a tug of war. The airlines don't want to give up the information. They don't want to cooperate. And so we have a dilemma here. And I am asking you again, Mr. Klein, not to put you under the gun, but what is the airline position on this?

Mr. KLEIN. I can speak specifically to Spirit. And we may be in a position—I may want Dr. Leader to finish up after I give you the Spirit perspective.

Mr. LYNCH. Sure.

Mr. KLEIN. Is the information that has been requested by the CDC is extremely important, and it hasn't historically been collected by airlines.

Mr. LYNCH. The name, contact phone number, and the email?

Mr. KLEIN. I can comment. Yeah, so passengers that booked directly with the airline, all that information is stored in the passenger name record, as you mentioned. If you book through a third party—so, for Spirit Airlines, think of someone booking through, say, Expedia.

Mr. LYNCH. Yeah, but will you give what you got?

Mr. KLEIN. Well, we don't get the information from the customers through that transmission of data.

Mr. LYNCH. Some customers you do.

Mr. KLEIN. We do if—and we have the information. What I was going to say is we have the ability through our system. It is very inefficient, but we are collecting, per the CDC requirements to collect information. As a directive has come in, we have been able to address that.

Not every airline can, because it is not automated. And it is information—like email address and cell phone number of each individual passenger is not something that is stored on the record. So you have to go get that information upon check-in. It is inefficient and hard to get. I am not saying it is not important to get. We have the ability to do that in our reservation system.

I will hand it over to Dr. Leader maybe to talk about other airlines, because that might be important.

Mr. LYNCH. Mr. Leader, you are recognized.

Mr. LEADER. Yes, of course.

So the from the global distribution systems that are used, when airlines are collecting information directly, if they have an email and phone number, they are happy to provide it to the CDC for the safety of our public.

In instances where historically Expedia and other online travel agencies have held back this information, I think you are going to see a wall break down, because if the CDC requests it, I believe that the OTA behind the reservation will offer it to the airline, which historically they have not.

Mr. LYNCH. It is important information to have, especially for that passenger and their family. They want to know that they have been in contact with someone so they can take those precautions.

Madam Chair, I yield back.

Ms. DAVIDS. The gentleman yields back.

The Chair now recognizes the gentleman from Indiana, Mr. Carson.

Mr. CARSON. Thank you, Madam Chair.

I know many of my colleagues mentioned discrimination, but much of the aviation industry has comprehensive reporting requirements regarding incidents which occur on airplanes, and for good reasons.

However, there is very little required from airlines to report when they remove someone from an airplane. At present, the DOT only reports on discriminatory removals when passengers complain. This disproportionately impacts American Muslims, Sikhs, and Arab Americans, a problem which predates the Gore Commission on Aviation Safety from 1997.

Most recently, the DOT has entered a consent decree with Delta arising from two cases of discriminatory removals.

What can be done to require full reporting and rationale for removal to prevent customers, flight attendants, or pilots from causing American Muslims, Sikhs, Arab Americans, and others—African Americans—to be stereotyped and removed from flights for simple acts such as speaking Arabic or wearing a hijab?

Mr. LEADER. So from the airline passenger experience perspective, I can tell you that our U.S. airlines have an incident—two different things.

Number one is the level of sensitivity and training that has been done by each of our airlines keeps getting better and better each year. We see examples, for example, at Starbucks, where there was insensitivity. Airlines learned from that quite readily, because no airline wants to be in that instance.

In terms of reporting, airlines do collect incident reports any time there is a confrontation with a passenger or an incident with a passenger that leads to removal from an aircraft. They each have procedures that are much, much better and very well orchestrated in terms of serving their customers, not allowing an incident to occur that is to the detriment of their customer as happened to Dr. Dao. So that is an area of great improvement.

My one concern is, to your point, Congressman, is that we need to do better about underlying, unseen bias, and our airlines continue to focus on training and awareness to not allow that to ever impact decisions. And I can turn it over to Mr. Klein to speak about Spirit's activities on that front.

Mr. KLEIN. Yeah, certainly.

So we have greatly improved our antidiscrimination training. It is something, again, we take seriously, and it is an area that we saw that we had improvement we could make, and we have invested in that. It is for all of our guest-facing team members, so it is not just on the aircraft. It is also at the airport as well. So it is extremely important to us and something that we do take seriously.

And to Dr. Leader's point, the removal rate on aircraft, it is largely not related to some of the examples that you have raised. Most of the time we are dealing with guests that are being incredibly disruptive, maybe from having too much fun in the destination they were just at before they got on the aircraft, and then that causes calls to law enforcement officials to help assist us if we can't diffuse the situation ourselves, which is always what we try to do first before we call in law enforcement to help us, if necessary.

Mr. CARSON. Sure.

Yes, sir?

Mr. MCGEE. Congressman, one of the key issues here is the term "airline employee" itself. You will notice that at some past hearings before this committee some airline executives have referred to their team members.

That is a euphemism that disguises the fact that many frontline employees of airlines are, in fact, not employees, they are outsourced.

And so the levels of training, compensation, et cetera, no reflection on the people themselves, but on the airlines that outsource this work.

Today we talked about outsourcing maintenance and we talked about outsourcing flights to regional carriers. What many customers have no idea is that they interface, these are people on the front lines interfacing with customers at airports, they may even be wearing airline uniforms, but they are not airline employees.

So these training issues, unless you address the outsourcing issue, it is very hard to address the training issues.

Mr. CARSON. It is a great point.

Yes, sir?

Mr. KLEIN. Yes. So Mr. McGee does raise a good point there. And what we do at Spirit Airlines is every single team member or family member, even if they are part of an outsourced organization in some of our airports, come to our headquarters in Florida and go through the exact same training as our team members that are on the specific Spirit payroll.

So they come in, they have the same exact training. In fact, I spend time and my colleagues spend time meeting each and every single person during our new-hire orientation. We take time out of our day to make sure we spend that hour and a half with them during their 3-plus weeks, and sometimes, in cases, it could be 6 or 8 weeks of training.

So I understand what Mr. McGee is raising. We agree and think it is extremely important to make sure that outsourced employees are trained and taught the same way as an actual employee.

Mr. MCGEE. We appreciate that, but that is not the case at all airlines in the U.S.

Mr. CARSON. OK. Thank you, gentlemen.

I yield back, Madam Chair.

Ms. DAVIDS. The gentleman yields back.

Are there any further questions from members of the subcommittee?

Seeing none, I would like to thank each of the witnesses for your testimony today. Your contribution to today's discussion has been very informative and helpful.

I ask unanimous consent that the record of today's hearing remain open until such time as our witnesses have provided answers to any questions that may be submitted to them in writing and unanimous consent that the record remain open for 15 days for any additional comments and information submitted by Members or witnesses to be included in the record of today's hearing.

Without objection, so ordered.

If no other Members have anything to add, the subcommittee stands adjourned.

[Whereupon, at 12:03 p.m., the subcommittee was adjourned.]

SUBMISSIONS FOR THE RECORD

Prepared Statement of Hon. Sam Graves, a Representative in Congress from the State of Missouri, and Ranking Member, Committee on Transportation and Infrastructure

Thank you, Mr. Chairman.

Last Congress, we came together to pass a long term, bipartisan, comprehensive FAA Reauthorization that made significant strides in improving the passenger experience, including for passengers with disabilities.

I am pleased that this subcommittee is holding hearings to ensure the intent of Congress is fulfilled.

I have no doubt that we will hear complaints and concerns about the customer experience today.

Most Members of Congress are frequent fliers, and we've all probably had at least one less-than-pleasant experience.

But we shouldn't forget the numerous instances where flight attendants, gate agents, pilots, and ground crew have provided great service.

Bottom line: air travel is now safer, more affordable, and available to more people than ever before.

In the last FAA Reauthorization, Congress acknowledged that all passengers must be treated with dignity and fairness.

But, in order to ensure a robust aviation sector, airlines must be able to compete with one another and offer different products at different price points.

Another important issue that will come up today is the impact the coronavirus is having on airlines and the passenger experience.

We need to ensure that the Government's efforts, led by HHS and CDC, are well coordinated with the airlines and consider operational factors and passenger rights.

While I look forward to this hearing, it is unfortunate that the Department of Transportation and additional airlines were unable to participate.

I understand that the inability of DOT to participate today was solely a question of timing, and I think we all agree their presence would have added to today's discussion, particularly on the impacts of coronavirus.

Nevertheless, I want to thank the Chairman and the witnesses, and I yield back the balance of my time.

Letter of March 13, 2020, from Kenneth Mendez, President and Chief Executive Officer, Asthma and Allergy Foundation of America, Submitted for the Record by Hon. Peter A. DeFazio

ASTHMA AND ALLERGY FOUNDATION OF AMERICA,
1235 SOUTH CLARK STREET,
SUITE 305,
Arlington, VA 22202, March 13, 2020.

The Honorable RICK LARSEN,
Chair,
Subcommittee on Aviation, U.S. House of Representatives, Washington, DC.

The Honorable GARRET GRAVES,
Ranking Member,
Subcommittee on Aviation, U.S. House of Representatives, Washington, DC.

DEAR CHAIR LARSEN AND RANKING MEMBER GRAVES,

On behalf of the Asthma and Allergy Foundation of America (AAFA), thank you for holding the hearing on the Airline Passenger Experience on March 3rd. AAFA is the leading patient organization advocating for people with asthma and allergies, and the oldest asthma and allergy patient group in the world.

We were pleased to see that the hearing included a focus on passengers with disabilities. I am writing to encourage you to ensure that the committee's continued work in this area takes into account the experiences of passengers with asthma or allergies, both disabilities requiring accommodation.

According to the Centers for Disease Control and Prevention (CDC), over 25 million Americans have asthma, and over 50 million have allergies. Like anyone else, this sizable portion of the population often travels by air for business, family visits, or pleasure. Travel by plane can be particularly risky for these passengers, particularly if they experience an asthma attack or allergic reaction mid-flight. AAFA has supported many common-sense policy goals to help protect the safety and lives of children and adults with allergies and asthma as air travelers:

- AAFA supports the recent Department of Transportation (DOT) Traveling by Air with Service Animals Notice of Proposed Rulemaking allowing airlines to limit the boarding of emotional support animals.¹ Animal dander is one of the most common allergens, and can also trigger asthma attacks in those living with asthma. We support the use of trained service animals for documented medical needs, but the proliferation of non-service animals in the cabin on flights has created increased risk for people living with allergies and asthma.
- AAFA also urged the DOT to ensure that the health needs of people with asthma and allergies are also accommodated. Specifically, people with medical documentation of severe allergies to animals, or of asthma triggered by animal dander, should be able to access seating a specific distance from any animal on a flight. This common-sense measure is not always provided. For example, we heard from a member of our community, who had a letter from her physician requiring a 30-foot distance from animals on the plane. In this case, a flight crew informed her that her needs would only be met if a seat was available. This is not an acceptable approach: someone with severe allergies on a plane is entitled to protection of her rights and health, and airlines should be required to provide this reasonable accommodation.²
- AAFA supports the availability of epinephrine auto-injectors in the main cabin of commercial flights. Currently, epinephrine is only required to be present in the locked cockpit, and is typically available on in a vial that must be drawn out with a syringe—a task that can be impossible for laypeople, and difficult even for medical professionals if turbulence is present. Auto-injectors such as “epi-pens” are easier to use, but not all people with allergies have their own on hand. Both children and adults can have new or undiagnosed allergies that first manifest on a flight. We have therefore urged the FAA to issue regulations requiring airplanes to include epinephrine auto-injectors in adult and pediatric dosages in all onboard emergency medical kits, so that they can be easily accessed and administered in an anaphylactic emergency.³

As these examples illustrate, for passengers with asthma or allergies, the passenger experience is still fraught with too many risks. We urge the Committee to affirmatively include people with these potentially fatal conditions in your work on the passenger experience, so that we can reduce the risk of preventable serious injury and death. AAFA would be happy to work with the Committee on these important issues.

Thank you very much for your time and attention.

Sincerely,

KENNETH MENDEZ,
President and Chief Executive Officer,
Asthma and Allergy Foundation of America.

Statement of Airlines for America (A4A), Submitted for the Record by Hon. Garret Graves of Louisiana

A4A welcomes and appreciates the Committee examination of the U.S. airline passenger experience. While we unfortunately are unable to participate at this particular hearing, we did want to share some information for the record that brings context and data to what is happening in the airline marketplace.

¹Traveling by Air with Service Animals Notice of Proposed Rulemaking: <https://www.regulations.gov/document?D=DOT-OST-2018-0068-4724>

²*Id.*

³AAFA Letter to Administrator Dickson, March 9, 2020. <https://www.aafa.org/media/2626/aafa-letter-faa-urging-airplane-regulations-require-epinephrine-autoinjectors-onboard.pdf>

RECORD HIGH CUSTOMER SATISFACTION

In May 2019, J.D. Power noted customer satisfaction had climbed to record high levels, further stating that:

“Airlines continue to deliver on the operational side of air travel. New technology investments have dramatically improved the reservation and check-in process. Fleets are newer and travelers generally feel that they are getting great value for their money. These improvements have been most profound in the traditional carrier segment, where customer satisfaction has climbed considerably.”—Michael Taylor, J.D. Power (May 29, 2019).

A4A also commissioned Ipsos to conduct a poll of the American people in January 2020, asking those who had flown in 2019 about their overall satisfaction with their air travel experience. For the third consecutive year, only one percent indicated they were very dissatisfied. In fact, 39 percent said they were very satisfied, and 45 percent said they were somewhat satisfied, for a combined score of 84 percent, up from 80 percent in 2015.

RECORD CAPITAL INVESTMENT BY AIRLINES AND AIRPORTS

As J.D. Power noted in May 2019, “This is probably the best time in modern history in which to fly.”¹ We agree and believe this recognition is due in no small part to the industry-wide investments made by U.S. airlines and airports. Over the past 10 years, U.S. passenger airlines alone spent \$139 billion on new aircraft, refurbishment of aircraft interiors (e.g., larger overhead bins, lie-flat seating in premium cabins), upgraded airport lounges, renovated gate areas, new ground equipment, improved information technology, increased USB power access and faster and more reliable Wi-Fi, in addition to improved food, beverage and inflight entertainment options. Airlines continue to streamline the check-in process with advanced mobile app capabilities and modern kiosks and enabling passengers to track their bags throughout the journey. Similarly, since 2008 there has been over \$200 billion invested in across the country—including \$38 billion over the past three years—to revitalize airport terminals, security checkpoints, bag systems, parking structures, roadways and innovative baggage tracking technology.

INVESTMENT IN THE WORKFORCE

From 2010 to 2019, U.S. passenger airlines increased their payrolls by 70,000 full-time equivalent workers, an 18.5 percent increase, with annual payroll expenditures rising from \$32 billion to more than \$55 billion. In addition to the fact that airline job growth outpaced overall U.S. employment growth during this period, the average airline employee wage increased over 50 percent, not including benefits.

HISTORIC AFFORDABILITY AND CONVENIENCE

Consumers have enjoyed benefits from a thriving and competitive aviation marketplace. According to the Bureau of Transportation Statistics (BTS), 2018 inflation-adjusted fares were the lowest ever recorded. Further, our own analysis of BTS data shows that the inflation-adjusted price of domestic air travel, with both fares and ancillary charges included, fell 6.9 from 2010 to 2018. This included four consecutive declines from 2014 to 2018. Along with rising consumer incomes and household wealth, the affordability and increasing schedule convenience and plentiful service have resulted in access to the skies for an increasing share of the population. Prior to deregulation of the industry in late 1978, aviation was a luxury good limited largely to businessmen and the affluent households. At that time, only 63 percent of Americans had ever taken a trip on an airline. By 2019, that figure had grown to 86 percent, including 70 percent within the past three years. As affordability and choice of business model and inflight product continues to grow, the mobility and opportunities afforded by aviation will continue to change the lives of millions of Americans.

EXTREMELY LOW RATE OF COMPLAINTS

From 2010 to 2019, the number of passengers enplaned on U.S. carriers rose 28 percent from 720.5 million to an estimated 925.5 million. Despite this incredible increase in travelers in only nine years, complaints to the DOT about U.S. airlines

¹ Source: <https://www.usatoday.com/story/travel/flights/2019/05/29/j-d-powers-best-airlines-customer-satisfaction-2019-southwest-jetblue-alaska/1256499001/>

fell below one per 100,000 passengers enplaned in both 2018 and 2019 as financial stability and investments in physical and human capital paid off.² Airlines will continue to make investments to reduce this number.

ROBUST COMPETITION

While safety of operation is always the paramount priority, it is closely followed by the passenger experience. U.S. air carriers continuously review a broad array of policies to improve customer service because they know full well that passengers have many choices of airlines in a highly competitive marketplace. In fact, competitive choices for domestic flyers have continued to increase, and contrary to some assertions, traffic analysis shows the average number of competitors on all domestic itineraries has increased from 3.33 in 2000 to 3.39 in 2010 to 3.48 in 2018.³ Competition is alive and well.

There should be no misconception, airlines vigorously compete on customer service. The relative financial stability of most of the last decade has enabled the industry to make record investments of up to \$20 billion per year in the customer experience and has driven the improvements we see today. The industry strives for perfection with the ultimate goal of providing a safe, efficient and enjoyable travel experience for the 2.5 million passengers who fly each day.

DISABILITIES ISSUES

Airlines are committed to providing safe air travel for all passengers and accessible travel for passengers with disabilities. A4A and our members have a strong history of proactively working with disability groups and addressing air travel accessibility to strengthen that commitment. A few examples include:

- A4A is a member and active participant in the DOT Air Carrier Access Act Advisory Committee. That Committee is addressing issues such as:
 - Bill of Rights for Passengers with Disabilities;
 - Assistance at airports and on aircraft and related training programs;
 - Use of technology to improve access;
 - Accessibility of ticketing practices;
 - Seating accommodations, including pre-flight seat assignments and access to bulkhead seating; and
 - Stowage of assistive devices.
- The industry is actively participating in the Transportation Research Board study on the Feasibility of Wheelchair Restraint Systems in Passenger Aircraft. We are working to ensure this study takes a data-driven approach to address all Federal Aviation Administration (FAA) safety requirements.
- The industry is currently partnering with Paralyzed Veterans of America (PVA) to create the *Assistive Technology for Air Travel Committee (ATAT)* under the Rehabilitation Engineering and Assistive Technology Society of North America—known as RESNA—to improve the handling of wheelchairs in air travel. The leadership for the ATAT includes PVA, Invacare—a wheelchair manufacturer—and A4A. The Committee is developing three documents:
 - Standards for wheelchairs that will be used in air travel;
 - Wheelchair handling guidelines for airlines; and
 - Guidelines for passenger information and instructions for preparing wheelchairs to be stored and transported in commercial aircraft.

We anticipate and are hopeful that the wheelchair standards and wheelchair handling documents will be finalized this year.

- The industry regularly participates in disability groups conferences and meetings to directly hear how we can improve service.
- In 2016 the airline industry participated in the DOT's Negotiated Rulemaking on accessible inflight entertainment, accessible lavatories on single aisle aircraft, and service animals. We are pleased to share that the Negotiated Rulemaking resulted in agreements on inflight entertainment and accessible lavatories, an agreement we continue to support. As a result:
 - DOT issued a Notice of Proposed Rulemaking (NPRM) for Phase 1 of the accessible lavatory agreement, A4A filed comments supporting the proposal; and
 - DOT issued a NPRM on service animals, comments are due April 6, 2020. The industry will be filing comments in support of the proposal.

²Source: DOT Air Travel Consumer Report

³Source: Compass Lexecon analysis of DOT Origin-Destination Survey (Data Bank 1B) and http://darinlee.net/pdfs/airline_competition.pdf

In advance of the Negotiated Rulemaking, airline representatives participated in a collaborated effort with DOT and advocacy groups to create guidance for carriers and passengers on the accessibility areas on which the DOT receives the most complaints. These guidance materials are used by industry and are publicly available on DOT's website today.

- The airline industry supported creating accessible websites and accessible airport kiosks, DOT adopted a kiosk and website regulation in 2013.

CUSTOMER COMMITMENT

While we are proud of the customer service trends outlined, we also are acutely aware and highly sensitive to the fact that not every passenger has shared in the investments made and not every passenger experience is always positive. Airlines recognize that the onus is on each carrier operating in the marketplace to foster a customer-centric environment. Our industry is dedicated to diligently and continually improving the customer experience for all passengers. In this area, our work is obviously never done, but please know the industry remains committed to the effort. We believe our industry does good things for people by connecting them to their families and friends and being an enabler of commerce. We hope that certain, and often times very rare, instances do not eclipse the dignity and respect shown by airline employees to millions of travelers every day.

Thank you for the opportunity to submit testimony.

APPENDIX

QUESTION FROM HON. STEVE COHEN TO MATT KLEIN, EXECUTIVE VICE PRESIDENT
AND CHIEF COMMERCIAL OFFICER, SPIRIT AIRLINES, INC.

COVID-19

Question 1. It has been reported that some of the most germ infected areas on airplanes include overhead air vents, seat covers, tray tables, armrests, seat-back pockets, headrests and window shades. What steps is your airline taking to ensure that all these areas are disinfected in between each flight?

ANSWER. A response was not received at the time of publication.

QUESTION FROM HON. GARRET GRAVES OF LOUISIANA TO MATT KLEIN, EXECUTIVE
VICE PRESIDENT AND CHIEF COMMERCIAL OFFICER, SPIRIT AIRLINES, INC.

Question 1. Aviation is an international industry which involves customers of many different cultures, races, and religious backgrounds. How do Spirit employees bridge these cultural differences?

ANSWER. A response was not received at the time of publication.

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